REC'D SEP 0 2 2003

Rt. 1 Box 353B
Aurora, WV 26705
August 22, 2003

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19130

Dear Sir:

I am writing about Mountain Top Removal and the EIS study. It is appalling to me what the EIS has suggested and that in its report there is no recommendation in stopping the defamation of the landscape by Mountaintop Removal. I cannot believe that Mountaintop Removal is still being allowed to wield its destruction. **What has happened to communities affected by this atrocity done to the land is one of the great tragedies of the last 2 decades.** There is absolutely no regard or respect for the land, the people or their cultural histories related to the land. What kind of example does this set up for the young and the generations to come? Mountaintop Removal because these coal companies have a lot of money and dubious political backing and support behind them can come into communities and completely disenfranchise the cultural, health and future of the people that live in these communities. The Appalachian communities in West Virginia and other states have always taken hard hits in regard to its environment and people, its time the exploitation of these mountain communities stops. When coal is removed by tearing and ripping up mountaintops it is ripping and tearing apart the very soul of the people who live there. STOP MOUNTAINTOP REMOVAL.

1-8

10-2-2

1-9

Sincerely,
Linda Reeves
Linda Reeves

REC'D JAN 2 0 2004

John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

January 13, 2004

Subject: Immediately Cease Destruction of Streams with Waste Materials

Mr. Forren,

As an avid trout fisherman in the Appalachian watershed, I must strongly convey my deeply felt opposition to the weakening of clean water standards and the EPA's de facto advocacy of mountain top removal and valley fill by coal companies. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. This rule should be strictly enforced for valley fills and in all other cases.

1-10

This proposal is in general a disgraceful abuse of the public trust invested in your agency and particularly an extreme instance of corporate welfare in which the interests of the mining industry are preserved at the expense of the public users of the resources. If this industry finds that it is not economically viable to extract the coal resources and preserve streams, then the free market should dictate that it not occur. In this case, however, the EPA is effectively subsidizing this destruction on behalf of the coal industry by according them preferential access to the natural resources of this country that citizens like me enjoy. In a free market they would have to bear the full cost. It amounts to corporate welfare and violates the spirit and intent of responsible stewardship.

Let me make this clear. I do not support any of the three alternatives contained within the Environmental Impact Statement Report. All three options will make it easier for these coal interests to destroy streams.

1-5

Respectfully,
Dylan C. Reid
802 Charles Allen Dr.
Atlanta, GA 30308

REC'D JAN 0 9 2004

Richard Reis
711 Copley Lane
Silver Spring, MD 20904-1312

January 3, 2004

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street Philadelphia, PA 19103

Dear Mr. Forren,

Please do not continue to allow coal-mining practices, which are known as "mountaintop removal". These practices result in ruined land and rivers. They interfere with other economic activity within the affected communities, to say nothing of the people who live there. Tourists won't come; farms will be ruined.

The supposed benefit could be cheaper electrical energy. However, there are clearly costs in terms of the environment and in peoples' lives, which should figured in as well. When the coal reaches the power plants and is burned the costs in terms of air pollution and contributions to global warming would be very high indeed. For example, asthma, linked to air pollution, is a rapidly growing problem in cities up and down the eastern seaboard. 1-9

The potential coal-producing area could provide sustainable energy in the form of wind farms that more employ local people than coal operations. Where coal would be used up, wind farms will continue to provide safe, clean, and affordable energy that would not run out.

Please do not allow these destructive mining practices to continue.

Sincerely yours,

Richard Reis

David Reister
Date: 12/24/03
City: Knoxville State: TN Zip Code: 37931

I have read the four alternatives in the Draft Programmatic Environmental Impact Statement for Mountaintop Mining/Valley Fills in Appalachia. Since the erosion of a flat plateau over several hundred million years produced the valleys in Appalachia, all of the valleys have streams in them. When the tops of mountains are removed and placed in the valleys they will destroy or impair the water quality and the quality of life of the all of the humans and other animals that live in the valleys. I favor the creation of a wide buffer zone to protect the streams. Currently, there is a 25-year-old rule that prohibits mining impacts within 100 ft of streams. All of the three proposed alternatives are focused on governmental efficiency rather that environmental protection and describe how the various agencies of the federal government will coordinate their management procedures. Since none of the alternatives requires a wide buffer zone around existing streams, I favor the No Action Alternative. 1-1

David Reister
10366 Rather Road
Knoxville, TN 37931

----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 02:49 PM -----

Jordan Reiter <jordan@breezing.com> 01/02/2004 03:47 PM

To: R3 Mountaintop@EPA
cc:
Subject: Comments on draft EIS on mountaintop removal mining

January 2, 2004

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear John Forren,

I am upset to learn that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities.

I have friends and acquaintances who live in mostly mining areas. I understand that mining can and does provide jobs for people in certain areas. However, from those I have talked to, including former miners, the work is difficult and the pay does not reflect the difficulty of the labor. Mountaintop mining is especially damaging; as a brute method of mining, it requires fewer total workers. As the use of this form of mining becomes more appealing to coal companies because of the relative cheapness of the method and the slacking of environmental regulations controlling its use, workers will actually be laid off, even as the amount of mining operations grow.

1-9

When a mountain is mined using mountaintop removal, there is nothing useful left over. It is a temporary gain in resources that leads to a barren, unuseable mountain top. Generally, these sites remain polluted and barren for a long time. A mountain that has not strip-mined can be used for many purposes: tourism, which in my opinion should become in West Virginia the primary source of revenue; sustainable tree farming, nature reserves, or hunting. With these uses, you are still left with a mountain which can be turned towards hundreds of other uses. Mountaintop removal leaves you with nothing.

11-7-2

According to the administration's draft Environmental Impact Statement(EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

1-5

The Bush administration's "preferred alternative" for addressing the problems caused by mountaintop removal coal mining is to weaken existing environmental protections. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal;

- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species;

- Without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining.

In light of these facts, I urge you to consider alternatives that reduce the environmental impacts of mountaintop removal. Thank you for your consideration of this important issue.

Sincerely,

Jordan Reiter
1300 Wertland St #C4
Charlottesville, VA 22903
USA

----- Forwarded by David Rider/R3/USEPA/US on 12/09/2003 03:40 PM -----

John Reppun <keycd@hawaii.rr.com> 11/14/2003 07:42 PM

To: R3Mountaintop@EPA
cc:
Subject: Save Streams from Mountaintop Mining

November 14, 2003

John Forren, Environmental Protection Agency
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I am writing, from the State of Hawaii, in opposition to changes to laws and regulations that now protect rivers, streams and watersheds from the impacts of mountaintop mining and valley fills. The alternatives evalusted in your May 29, 2003 draft Environmental Impact Statement (EIS) are inadequate, unacceptable and not in keeping with use of the "precautionary" principle wherein we are encourage to stay far from the "brink", rather than tip-toeing along the edge where disaster is best courted!

1-10

The EIS process, in any state, is meant to move communtiies and agencies towards wiso decision-making and the "best" of options. Your draft EIS reveals clear evidence of the immense and lasting harm that is the result of such mining practices - a harm that is felt throughout the country because of the message(s) and lessons taught to next generations. Just as folks in Virginia rely on us to protect our state's resources as a part of the "public domain" that we all enjoy, we must rely on you to do the same for your state. It is time to put postive stewardship of our precious, fragile watershed resources before the devastation of such practices.

1-5

It is my understanding that the Surface Mining Control and Reclamation Act's current "buffer zone" rule now prohibits mining activities that distuib any area within 100 feet of larger streams. The alternatives you propose would serve to eliminate the current limit on using nationwide permits to approve valley fills in West Virginia that are larger than 250 acres. This, in turn would give the Office of Surface Mining a whole new role in the Clean Water Act permitting for mountaintop mining that does not currenly exist in the law.

1-5

To this end, I encourage you to please set aside the "preferred alternative" you have put forth, in favor of a full investigation and public disclosure of options intended to truly minimize the environmental and economic damagef from this form of mingn and filling.

Thank you for your consideration.

Sincerely,

John Reppun
47-200 Waihee Rd
Kaneohe, HI 96744-4947
USA
keycd@hawaii.rr.com

Forwarded by David Rider/R3/USEPA/US on 08/28/03 05:06 PM -----

Michelle Reynolds <michelle@ruralstrategies.org> To: R3 Mountaintop@EPA
cc:
Subject: Comments to be considered for the final EIS
08/28/03 01:47 PM

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103
Sent via email

Dear Mr Forren:

Existing regulations created to effectively govern the process of coal mining are under attack. These regulations are important to those directly affected by mining practices - those in the coal industry and those who reside in coalfield communities. I live in Whitesburg, Kentucky, surrounded by many active and formerly-active coal-mining operations, and wanted to write with my comments about the Environmental Impact Study. Thank you for offering this opportunity to express my views. 1-10

I welcomed the scientific studies presented in the EIS that document the widespread and irreversible damage caused by Mountaintop Removal Mining. After reviewing the recommendations that followed however, I was confused. I have no choice to believe that even though the government is aware of the environmental dangers present in the practice of Mountain Top Removal they refuse to do anything about it. This is disturbing.

Regulations are an essential part of the American system. Just as we do not allow vigilante behavior in our justice system, we should not allow the coal mining industry to act as their own police. At the public hearing on this issue in Hazard, KY on July 22 several representatives from the coal mining industry spoke out against coal mining regulations and promoted Alternatives 1, 2 and 3 as recommended in the EIS. Many coal operators and friends of the industry stated that the coal industry could not survive with regulations. I propose that the coal industry, like other successful American industries, rely on innovation as a way to get ahead instead of pushing for the dissolution of regulations created to protect our air, water, and quality of life. It is critical that the quasi-governmental agencies put in place to regulate the coal industry on behalf of the people they are appointed to represent be vigilant in the regulation of mining laws. 2-3

Thank you,

Michelle Reynolds
52 Easy Street
Whitesburg, KY 41858

Michelle Reynolds
The Center for Rural Strategies
46 East Main Street
Whitesburg, KY 41858
606-632-3244 voice
606-632-3243 fax
www.ruralstrategies.org

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

"richardswritings @aol.com" <richardswritings
To: R3 Mountaintop@EPA
cc:
Subject: Please Stop Destructive Mountaintop Removal Mining
01/06/2004 04:48 PM

Dear Mr. John Forren, Project Manager,

Please do not allow the Bush administration continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities. Then you could honestly stand before God and say that you have treated His Earth with reverence. 1-9

Sincerely,

James Richard
22055 Oxnard St
Woodland Hills, CA 91367
richardswritings@aol.com

REC'D AUG 12 2003

8-4-03

Dear Sirs,

I would like to beg you to consider our comments. I personally do not feel that strip mining is harming or destroying our environment as some say it is. I live in a house below where a strip mine use to be. My home or my land has not been harmed nor has my water been ruined.

strip mined land can be used to build factories, airports, hospitals, farms, houses, Walmart supercenters, shopping centers, & hospitals. Flattening mountains is not bad. 10-3-2

I beg you not to make the laws so stiff strip mining go out of business. 1-12

Thousands of people will be put out of work; destroying the economy in Eastern Ky. There are not alot of jobs in Ky. unless you work for strip mines or school. Please consider seriously this side of the issue. 11-1-2

Thank You,
Nancy Riley

Nancy Riley
458 Schoolhouse Branch Road
Buckhorn, KY 41721

mea

Forwarded by David Rider/R3/USEPA/US on 01/23/2004 09:38 AM -----

Paul Robertson <wkrp1988@hotmail.com> 01/12/2004 06:24 PM

To: R3 Mountaintop@EPA
cc:
Subject: Mining Rulings

Paul Robertson
2617 NE Holmes Road
Lincoln City, OR 97367

January 12, 2004

John Forren
US EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Forren:

As an Environmental Scientist, I urge you to re-evaluate the Recent Bush

Administrations decision on strip mining. 1-5

Sincerely,

Paul Robertson, MSc Evironmental Diagnosis

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:58 PM -----

rtrobert@uci.edu 01/05/2004 02:08 PM

To: R3 Mountaintop@EPA
cc:
Subject: Comments on draft programmatic EIS on mountaintop removal coal mining

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

The damage to our environment must stop. I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities.

The Bush administration continues to ignore hundreds of scientific facts and continues to press an anti-environmental agenda. The earth is our home and home to future generations. We must protect our valuable environment.
Richard Robertson 1-9

Sincerely,

Richard Robertson
1940 Whittier Ave
Costa Mesa, California 92627

cc:
Senator Barbara Boxer
Representative Dana Rohrabacher
Senator Dianne Feinstein

Tom Robertson <trobertson@eqm-rtp.com> 08/18/2003 09:54 AM

To: John Porren/R3/USEPA/US@EPA
cc:
Subject: Mountain Top Mining

Sir

The concern for Mountain Top mining should not be limited to coal sites.
There are other non metallic mineral operations that generate the same impacts, e.g. Mica, Kyanite. 9-5-2

Thomas Robertson, P.E.
Director of Environmental Compliance - Southern Operations
trobertson@eqm-rtp.com

Environmental Quality Management, Inc.
3325 Durham-Chapel Hill Blvd, Suite 250
Durham, North Carolina 27707
(919) 489-5299 Office (919) 489-5552 FAX
(919) 676-2541 Home (919) 345-3738 Mobile

www.eqm.com

First Name: Ms. Gail M. Roc Last Name: Augustine, FL 32080 Letter Date: 1/07/2004
City: Sincerely State: Zip:

We find it abhorrent that the Bush administration plans to enable coal companies to destroy Appalachia with mining practices that level
mountaintops, wipe out forests, bury streams, and destroy communities. As a citizen environmental advocate for over 30 years, I am
intimately aware of the ravages of coal mining in almost all its forms. The coal barons have NEVER had to pay for the full ancillary costs t
communities, citizens, public infrastructure components, and health and safety impacts. Old King Coal still reigns despite the extent of
accumulated science about "his" rape of and ravages to the land, water, air quality, and individual property owners. My use of the term
"we" simply adds my husband as a co-advocate against relaxation of environmental standard that offer maximum protection from mining-
related travesties and injustices. I was proud to be an invitee to the ROSE GARDEN 1977 SIGNING OF THE FEDERAL SURFACE
MINING ACT by President Jimmy Carter. It promised baseline protection that allowed states to exceed the federal standards. The ideals
of that long fought for legislation have been eroding since the bill went into effect. Even Pennsylvania, which purportedly was a leader in
mining regulation has rescinded most of its more protective provisions under the edict of a Republican administration spearheaded by
Gov. Tom Ridge. OSM has become a pawn of the mining industry and instead of offering oversight of state programs, it now works to
diminish the regulatory programs of individual states. SHAME on those who still bow to the reign of King Coal and bravo to those who
endure the seemingly hopeless fight against extractive industries that dont' give a "darn" about what and who is hurt during their
unrelenting pursuit of profit, The stealthily concocted comment deadlines for regulatory weakening by state and federal entities who are to
protect our environment is duly noted here as well as in many previous regulatory relaxation mischief. 1-10

----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 03:54 PM -----

Hugh Rogers <rogers@wvhighlands.org> 01/06/2004 01:41 PM
Please respond to Hugh Rogers

To: R3 Mountaintop@EPA
cc:
Subject: MTR EIS comments

Dear John Forren,

We haven't written to you for several years, since the first and second rounds of Corridor H EIS comments. This one's even bigger. Sometimes Corridor H has appeared to us as a hundred-mile-long strip job, with most of the harmful consequences of that practice. But we have seen the devastation caused by MTR in Southern West Virginia, and we can't believe that the writers of the current EIS could make their recommendations to continue that form of mining after their description of what it has done and would do. 1-9

In a very few words, we oppose mountaintop removal and valley fills and any change in the rule protecting stream buffer zones. We are disappointed and angry that the federal government proposes to ignore its own studies by reducing protections for people and the environment. We demand a new study that looks at alternatives to prevent new mountaintop removal and valley fill operations. We call for termination of the existing MTR mines within 5 years or by the expiration of the current mining permit, whichever date occurs first. 1-5

Sincerely,

CORRIDOR H ALTERNATIVES

by Hugh Rogers, President

Forwarded by David Rider/R3/USEPA/US on 01/12/2004 02:47 PM -----

ruthbr@wvhighlands.org 01/05/2004 10:51 AM

To: R3 Mountaintop@EPA
cc:
Subject: Comments on draft programmatic EIS on mountaintop removal coal mining

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

This draft Environmental Impact Statement (EIS)is totally inadequate and flies in the face of the NEPA process and the laws of the United States. The Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities violates the intended process. 4-2

According to the administration's draft EIS on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations. 1-5

Remarkably, the Bush administration's "preferred alternative" for addressing the enormous problems caused by mountaintop removal coal mining is to weaken existing environmental protections. The draft EIS proposes streamlining the permitting process, allowing mountaintop removal and associated valley fills to continue at an accelerated rate. The draft EIS also suggests doing away with a surface mining rule that makes it illegal for mining activities to disturb areas within 100 feet of streams unless it can be proven that streams will not be harmed. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including: 1-10

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal

- direct impacts to streams would be greatly lessened by reducing the size of the valley fills where mining wastes are dumped on top of streams

- the total of past, present and estimated future forest losses is 1.4 million acres

- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species

- even if hardwood forests can be reestablished in mined areas, which is unproven and unlikely, there will be a drastically different ecosystem from pre-mining forest conditions for generations, if not thousands of years

- without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining

The Bush administration's "preferred alternative" ignores these and hundreds of other scientific facts contained in the EIS studies. In light of these facts, the Bush administration must consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities.

Sincerely, Ruth Blackwell Rogers Rt 1 Box 98 Moon Run Kerens WV 26276

1-10

Sincerely,

Ruth Rogers
Rt 1 Box 98
Moon Run
Kerens, West Virginia 26276

cc:
Senator John Rockefeller
Representative Alan Mollohan
Senator Robert Byrd

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 11:18 AM -----

Michael Romo <romoma17@hotmail.com> 01/06/2004 03:41 PM

To: R3 Mountaintop@EPA
cc:
Subject: Attention: John Forren

Mr. Forren

I understand the EPA is reviewing its regulations regarding mountaintop mining, and has set the deadline for public feedback for Jan 6th. I am also
sending this message via U.S. mail, but I wanted to make sure my comments
reached you by the deadline, so I ask you to give this message the same consideration you would give correspondence arriving via U.S. mail.

(See attached file: region3_mtntop_eis.doc)

Michael Romo
3263 Cole Avenue
Simi Valley, CA 93063
January 6, 2004

John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia PA 19103

Mr Forren:

I am opposed to the practice of mountaintop mining and valley fills. I do not think the proposed regulation changes take full consideration of the impact that valley fills cause. I have several relatives here in California who have bought homes built either on filled-in hillsides or filled-in canyons. These homes have had problems as the fill has settled over time. In the wetter climate of the Appalachians, I feel these settling problems would occur more seriously and oftener. 1-9

I also have concerns about possible liquefaction effects of stream burial. 10 years ago during the Northridge earthquake out here in California, several blocks in my community sustained heavy damage. These areas were built on the alluvial fill of nearby wet-season streams. The New Madrid earthquakes of the early 1800's were widely felt in the Appalachian region, and that region was sparsely inhabited compared to today. The New Madrid fault structure is still active and many geologists feel it is capable of producing a strong quake within the near future. I fear the impact of such a strong earthquake on the fill, especially if its water table level is affected by "drowned stream" water. 13-2-2

California's Central Valley is miles deep in sediment from the Sierra Nevadas. The soil is naturally "rich" in selenium. Irrigation runoff leaches the selenium. In the past, dry lakebeds have been used as sumps to collect the irrigation runoff. Migratory birds using the lakebeds have been severely affected by the selenium-contaminated water. I can only imagine the same thing would happen as water from buried streams flows through the fill, and absorbs selenium from the mining remains. The only difference – and a major one – is that unlike California, which does not use the selenium runoff, the Appalachian runoff would be the source of water for both people and wildlife downstream. This would cause severe ecological and environmental consequences.

I do not support the Alternatives 1, 2 and 3 offered in the "Mountain-Top Mining and Valley Fill" Environmental Impact Study. I don't feel they safeguard the water quality of the impacted communities. I do not feel that the proposed changes take into consideration the evidence of environmental consequences offered by credible scientific studies. 1-5

I thank you for the chance to let me and other citizens give input on this serious issue, and I trust you will give our concerns your full consideration.

Sincerely

Michael A. Romo

DeliveredDate: 01/16/2004 07:48:50 PM

Debra ROOKARD
890 Timber Lake Drive
Cumming, GA 30041

January 16, 2004

John Forren
US EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr Forren,

I oppose the Bush administration's intent to weaken and thereby cripple the current Mountaintop Removal Act. As American citizens, we are bound by heritage to protect our environment. 1-10

Concerning the proposed weakening of the Mountaintop Removal Act: An economic study prepared as part of the EIS, shows that even under the most restrictive scenarios studied by the agencies, the economic costs of dramatically limiting the size of valley fills would be minimal, because:

- There would still be adequate coal to supply the nation's energy needs;
- The price of electricity would not significantly increase; and
- The price of coal would increase by only about a dollar per ton, an amount eclipsed by the volatility of the market, (the price of coal has varied from $17 to $40 per ton over the past two years). 11-9-2

In reference to the weakening of the Clean Water Act:

- Over 1200 miles of Appalachian streams have already been eliminated by valley fills;
- Aquatic lifeforms downstream of valley fills are being harmed or killed; and
- Stream chemistry monitoring shows significant increases in the concentration of selenium – a metalloid that according to the EPA is highly toxic to aquatic life, even at relatively low concentrations downstream of mountaintop removal mining and valley fill operations. 5-5-2

I am not necessarily opposed to mining. I work in the stone industry in Georgia and proudly descend from Appalachian coal miners. There are alternatives that must be considered.

Do not accept the unsubstantiated argument that this will cost jobs.

- Mountaintop/Surface mining accounts for 85% of all mining in Appalachia at present.
- In 1998, mining accounted for 9.5% of jobs in WV; today it is less than 3% with mountaintop mining employing 0.5%.

11-1-2

Please make a positive stand on the side of protecting our nation's environment. Doing otherwise will cause irreversible harm to our water, forests, and endanger tens of thousands of American citizens.

Most Sincerely,

Debra Rookard
890 Timber Lake Drive
Forsyth County
Cumming, GA 30041
d_rookard@adelphia.net

Debra ROOKARD

REC'D DEC 0 1 2003

November 24, 2003

Shale Brownstein, Conservation Chair
Linnaean Society of New York
15 W 77 Street
New York, N.Y. 10024

John Forren
U.S. E.P.A. (3EA30)
1650 Arch Street
Philadelphia , P. 19103

re:mountain top mining/ valley fill DEIS

Dear Mr. Forren:

The Linnaean Society, a group of interested naturalists with more than 500 active members, hopes for a moratorium on mountain top mining.

The habitat destruction wrought by the proposed mountain top coal mining will destroy thousands of acres of mature hardwood forest in Ohio, Pennsylvania, Virginia, and Tennessee. There will certainly be immense damage to the Cerulean Warbler population. 8-2-2

Awesome scenes of mountain top removal involve more than the disappearance of the headwaters of mountain streams and the filling in of an adjacent valley. Many species are severely disrupted and the ecological damages will of necessity extend to a considerable distance from the mining operations. 9-2-2

This Appalachian region of the eastern United States will suffer ugly pockets of noise, dust, and disfigurement. The extensive losses already suffered will be greatly extended in ways that will even more permanently alter the land. We think that the current draft environmental impact statement has failed properly to assess the impact of the future changes, which are already being actively implemented. The mining of the immense area in this fashion is going forward without sustained serious consideration of the social and ecological losses that follow in the wake of this one time removal of available coal. 9-4-2

We plead for a moratorium.

We hope that reflection will give time for us all to study the conflicting claims of residents, visitors, and environmentalist's about the future of these irreplaceable mature hardwood forests. 1-9

Only the imposition of a moratorium on the mining can offer the chance to modify seriously the proposed coal extraction, which will change everything forever.

Sincerely

Shale Brownstein, Linnaean Society of N.Y.

11 Riverside Drive (SUE)
NY NY 10023

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:58 PM -----

Southern Empowerment Project <souempow@bellsouth.net>

To: R3 Mountaintop@EPA
cc:
Subject: Fw: mountaintop removal regulations

01/06/2004 03:55 PM

----- Original Message -----
From: Southern Empowerment Project
To: mountaintop.r3@eps.gov
Sent: Tuesday, January 06, 2004 11:13 AM
Subject: mountaintop removal regulations

This message is for John Forran at the Enivronmental Protection Agency

Dear Mr. Forran:

I have seen the ravages of mountaintop removal and know families whose lives have been disrupted by the devastation of this mining practice. I strongly encourage you and your agency to stand by your own studies and to oppose mountaintop removal, valley fills and any change in stream buffer zones. It does not make sense to spend tax dollars studying environmental practices and then to do the opposite. It is up to your agency to protect our water, land and people's health. 1-9 1-10

Thank you for your consideration.

June Rostan
17522 Highway 95 North
Greenback, TN 37742

June 1st. 2003

Dear Mr. Forren:

Regarding the the Draft programmatic Environmental Impact Statement (Draft EIS) on mountaintop coal mining and associated valley fills in Appalachia.

As a U.S. citizen, I am strongly opposed to this form of extracting minerals. This is a destructive, mindless way of getting at coal deposits. It sacrifices too much, for a dirty, unhealthy and contaminating energy source.

I believe this is an extremely shortsighted approach to meet energy needs. I also believe that the motivation for exploding mountain tops to get at coal is purely driven by extreme profit mongering. Coal companies simply want to save money on labor and new technologies' cost,
which would mitigate destruction to the geology. Coal companies profiteering strategy is aided and abetted by President George W. Bush, Vice-president Dick Cheney, Interior Secretary Gale Norton, and her second in command, Mr. Stiles. The appalling environmnal track record of these individuals speaks volumes against the notion of these laissez-faire clowns stewardship of Public Lands. This mountain-top detonation proposal is an ugly violation of Public Trust. 1-9

I urge the EPA to not shirk its duty and to reject any attempt by the coal industry and their lobbyists--both in the current administration and at their elbows-- to irreparably destroy the hydraulics and aesthetics of the mountains, streams, and headwaters of our Nation.

Thank you in advance for accepting these comments in opposition to mountain top mining.

Greg Roth
15 W. Galer #6
Seattle, WA 98119

Please tabulate my comments in opposition to this

---- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

Lionel Ruberg <LIONELLCR@aol.com> To: R3 Mountaintop@EPA
cc:
Subject: Comments on draft EIS on mountaintop removal mining
01/02/2004 03:45 PM

January 2, 2004

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear John Forren,

Mountain top removal is an atrocity. Your program makes you an accomplice. 1-9

Sincerely,

Lionel Ruberg
Apt. D-113
1382 Newtown-Langhorne Rd.
Newtown, PA 18940
USA

24427 Eilat St.
Woodland Hills, Ca. 91367
January 21, 2003

REC'D JAN 2 6 2004

Mr. John Forren
US EPA
1650 Arch St.
Philadelphia, PA 1903

Greetings:

I am writing to you to tell you of my strong opposition to the Bush administrations policy in regard to mountaintop leveling - mining practices. Putting the fill material into streams and other waterbeds is a catastrophic (horrible) occurrence and must be prohibited. 1-9

Please do all you can to fight this practice.

Sincerely, Stephen E. Rudolph

REC'D AUG 2 0 2003

Steve Rutledge
HC 68, Box 70
Friars Hill, WV 24938
August 14, 2003

MR. JOHN FORREN
US EPA
1650 ARCH STREET
Philadelphia, PA 19103

Dear MR. FORREN:

Mountaintop removal in southern West Virginia, eastern Kentucky and central appalachia should be stopped NOW!

You are being paid by taxpayers money to protect the people and natural resources of our nation.

I urge you to use the powers of your office to do so.

Sincerely,
Steve Rutledge

1-9

REC'D JAN 2 6 2004

Mark Van Ryzin
3233 Dupont Avenue South , Minneapolis, Minnesota 55408

January 21, 2004 04:40 PM

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Subject: Comments on Draft programmatic Environmental Impact Statement on mountaintop removal coal mining

Dear Mr. Forren:

I am writing to urge the Bush administration to protect our mountains and streams from mountaintop removal coal mining.

I am outraged that the draft Environmental Impact Statement (EIS) on mountaintop removal proposes no limits on this destructive practice, even though the study clearly concludes that the environmental effects of mountaintop removal are devastating and permanent.

I am shocked that the draft EIS states that the Bush administration's preferred alternative is to WEAKEN existing environmental protections. It would allow mountaintop removal and associated valley fills to accelerate by proposing to streamline the permitting process. And it proposes to roll back an important surface mining rule that prevents coal companies from disturbing areas within 100 feet of streams. This "preferred alternative" ignores your own studies detailing the devastation caused by mountaintop removal coal mining!

I urge the Bush administration to consider alternatives that reduce the environmental impacts of mountaintop removal, and to implement those measures needed to protect the environment and communities of Appalachia.

As a concerned citizen and active voter, I look forward to hearing your thoughts on the issue.

Sincerely,
Mark J Van Ryzin

1-10

Comments on Mountain Top Mining

I do not understand the argument that coal mining is harming the economy, particularly in southeastern Kentucky. The facts show that there are a number of jobs directly created by the mining industry for operation of the mines. Also, secondary industries have been established to support the mining industry. To name a few, these secondary industries include trucking companies that haul coal by contract, machine shops that supply and repair mining equipment, and engineering firms that handle permitting and special projects. A tertiary industry of convenience stores, grocery stores, gas stations, and construction companies also share in the benefits of the coal industry in southeastern Kentucky. The argument seems centered on removing the coal industry from the region. Given this argument, what industry will replace the economic benefits of the mining industry once it leaves?

11-1-5

The answer is that, eventually, the mineable coal will be depleted but it will take years to do so. In the meantime, enhancement of the property for human use will begin to build an economic infrastructure that can one day replace the economic benefits of the mining industry as coal resources are depleted. Flat land is at a premium in southeastern Kentucky and most industries that would be large enough to successfully operate in the region need flat land on which to build. The only way to provide this land is to allow the mining industry to leave the land flat for human use.

Keep in mind while it is necessary to be conscious of the needs of the various species on this earth, the human species also needs an "environmental footprint" of its own to survive. We need space, materials, and energy sources as does any species. We are no longer hunter-gatherers similar to other species and thus tend to live in cities which require us to change the face of the earth. Cities require energy resources that are economical and, given the proper circumstances, mountain top mining is the most economical and efficient method of providing energy for the needs of the cities.

In fact, the choice of mountain top removal is driven by the environmental and economic circumstances surrounding the particular site to be mined. Many seams in southeastern Kentucky would not be mineable without the use of the mountain top removal method due to market conditions. Use of another method would be too expensive and would drive costs close to if not over the market price of the coal produced. The land owner who desires to have the coal removed would thus be frustrated in realizing the full value of the property. Furthermore, if the State does not recognize the coal as unmineable, the land owner is subject to unmined coal taxes on the potential tons of reserves under the property. Mining companies are responsible to the land owner who leases the property to the company for mining in the most economical and efficient way possible.

11-4-5

In summary, mountain top removal benefits the region by creating potential sites for industry. Some coal reserves could not be mined otherwise given the environmental and economic conditions and the mining company is responsible to the land owner to mine the coal as economically and efficient as possible. An unmined reserve is an opportunity lost for direct and indirect support of the local economy. If mountain top mining is stopped when it should not be, the price will be paid by the local community and the owners of the land who wish to realize full value for their property.

10-3-2

Paul Sainato
3129 Comanche Trail
Lexington, Kentucky 40503

REC'D JAN 0 7 2004

P.O. Box 608
Madisonville, Kentucky 42431
January 2, 2004

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

Re: Mountaintop Removal/Valley Fill EIS public comment

Dear Mr. Forren:
I oppose mountaintop removal and valley fills and any change in the buffer zone rule. The federal government's own scientific studies demonstrate adverse environmental impacts from mountaintop removal operations and excess spoil valley fills. Why is the government ignoring their studies that support protections for people and the environment? As a citizen and taxpayer, I am outraged at this irresponsible behavior!

The rich ecosystems of Appalachia need protection and prohibition of any future mountaintop removal operations. I understand that 300,000 acres of valuable hardwood forests in Appalachia already have been turned into barren wasteland by this wasteful mining practice, and nearly 2,000 miles of streams across the Central Appalachian region have been buried or impacted already by valley fills. 1-9

How can our government be serious about homeland security and the sanctity of human life when it allows this rampant destruction not only of fish and wildlife, but whole communities, state and local economies, and countless human lives? At least ten people drowned this week in West Virginia from flooding exacerbated by mountaintop removal and valley fill destruction of their natural ecosystems!

It is shameful that our federal government is proposing to allow more mountaintop removal with even less protection for communities than has been provided the past 25 years under the Clean Water Act, Surface Mining Control and Reclamation Act, and the Endangered Species Act. It makes no sense for the EPA allow the 25-year-old buffer zone protection around streams now to be removed. 1-10

The federal government should restore provide strong protections for the people and our land: the EPA needs to increase buffer zones rather than abolishing them! And mountaintop removal and valley fill methods of coal mining immediately should be banned.

Sincerely,
Sue Anne Salmon

Cc: President George W. Bush, Sen. Mitch McConnell, Sen. Jim Bunning, Rep. Ed Whitfield

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

"studman182@msn.com" <studman182 — To: R3 Mountaintop@EPA
cc:
01/07/2004 04:48 AM — Subject: Please Stop Destructive Mountaintop Removal Mining

Dear Mr. John Forren, Project Manager,

By blasting mountaintops the streams and plant life have little chance of surviving. Remember that without water and oxygen none of us would be living so think twice next time globalist capital is the only thing running through your mind. 1-9
Sincerely,

Manuel Sanchez
5454
human st., NV 89001
studman182@msn.com

Bennett Sawyers
69 Lick Creek Rd.
Lick Creek KY 41540
(606) 835-2018

Veronica Sawyers
111 Lick Creek Rd.
Lick Creek, KY 41540
(606) 835-2018

① Mining Companies shouldn't be allowed to divert water on property owners & should put water on the government property.

② Mining companies should have to send the water down the streams owned by the people that collects the money from the coal companies.

5-1-2

REC'D SEP 15 2003

Dear Mr. Forren, September 11 2003

I oppose mountaintop removal and valley fills and any change in the buffer zone rule. I am disappointed and angry that the federal government ignored its own studies when it proposed weakening, rather than strengthening, protections for people and the environment. I hope you can take action or propose legislation that will prevent the Bush administration from destroying the environment and people through mountaintop removal and valley fills. 1-9 1-10

Sincerely,
Ashlee Saylor
Ashlee Saylor

---- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM -----

abe scarr <abescarr@yahoo.com> 01/05/2004 09:56 PM

To: R3 Mountaintop@EPA
cc:
Subject: Mountaintop Removal

To Mr Forren and the EPA,

As a native Kentuckian who values clean water and the ecological integrety of the Appalachains, I am opposed to mountaintop removal mining and valley fills. 1-9

I am opposed to any changes that would weaken the laws and regulations that protect clean water. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. I do not support Alternatives #1, 2 or 3 contained within the EIS report. None of these options will protect our water or our communities. 1-10 1-5

Abraham Scarr
68 New Ocean St
Swampscott MA 01907

Do you Yahoo!?
Yahoo! Hotjobs: Enter the "Signing Bonus" Sweepstakes
http://hotjobs.sweepstakes.yahoo.com/signingbonus

Forwarded by David Rider/R3/USEPA/US on 01/12/2004 02:45 PM -----

Paul & Trudi Schaefer <wadenhoe@redwing.net>
12/27/2003 01:14 PM

To: R3 Mountaintop@EPA
cc:
Subject: re "buffer zone" rule changes

to: John Forren
US EPA

Sir:

Please note that I am extremely opposed to EPA proposals to disregard the current "buffer zone" rule protecting streams from the impacts of coal mining, including the removal of mountaintops and subsequent valley
fills.
This administration will go down in infamy for many reasons. Please do your part to ensure that such is not the case in this very important instance of environmental protection. 1-10

thank you for your attention,
Paul Schaefer
N2934 750th St
Hager City, WI 54014
wadenhoe@redwing.net

Mr. John Forren
US EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JUL

RE: MOUNTAIN TOP MINING/VALLEY FILL DRAFT EIS
Response to Call for Public Comment

Dear Mr. Forren:

I am a resident of Pike County, Kentucky, and am presently employed in the coal industry. Therefore, I have been following carefully the EPA's review of the valley fill issue in Central Appalachia. I continue to be amazed at how this issue has been distorted and politicized by Kentuckians for the Commonwealth ("KFTC").

The KFTC would have one believe that every mountaintop in Central Appalachia has been, is being, or soon will be affected by the MTR method of surface coal mining. Nothing could be farther from the truth. A helicopter tour of Central Appalachia will show that only a small percentage of mountaintop lands has been affected. Secondly, barring a substantial change in coal market prices, very few of the vast number of unaffected mountaintops will ever be economically feasible to develop by the MTR method of surface coal mining. I can personally vouch for this fact since my most important job duty is to identify and acquire economically prospective MTR candidates in the 5 easternmost counties in Kentucky and I have not been very successful in this endeavor. In fact, I know of less than a dozen mountaintops that represent economically viable MTR targets. Put simply, the coal industry does not have a vast number of viable MTR targets to consider. 11-8-5

Most of the remaining viable MTR targets are in close proximity to existing MTR mining areas. The Brushy Creek watershed of Pike County is the most densely/extensively developed MTR mining area that I am aware of in Central Appalachia and it will be completely mined out in about 3 years. I am of the informed and experienced opinion that MTR mining will likely naturally (due to economic realities) "phase out" of the five eastern Kentucky counties in less than 10 years.

No reasonable and informed person would dispute KFTC's claims that there are some adverse environmental and societal impacts associated with MTR mining and associated valley fills. However, the impacts (which I am very familiar with) are not even close to the magnitude claimed by KFTC. The dust and blast vibration impacts on persons residing near MTR projects are real and unavoidable. Presently, such dust and blast vibration impacts are handled by the damage claim process (between coal operator and complainant) or judicial court system. 16-3-5 The claims of damages to water wells are mostly bogus since blasting on top of a mountain is not capable of "sinking" a water well in alluvium separated by usually 800 feet or more stratigraphically from the lowest stratum being blasted. 7-5-2 The environmental impacts are primarily a temporary loss of vegetative cover and a significant topographic reconfiguration (usually to more subdued slopes). 14-3-2 The headwaters of hollows which are used as valley fill sites are the least sensitive riparian areas in the entire watershed due to ephemeral nature of their water supply and lack of true stream channel flora/fauna.

In reality, the impacts of MTR surface coal mining are no different or greater in inherent environmental risks and damages than any large earthmoving operation (e.g. construction of highways, school sites, airports, subdivisions, etc.). In fact, MTR mining is unique from other earthmoving operations in that its resultant impacts are all temporary in nature (usually with full revegetation completed in less than a decade from original disturbance), whereas most other earthmoving projects result in a permanent removal of "green space" from the planet. 9-1-2

To sum up, a reasoned analysis of the MTR/Valley Fill issue will conclude that the societal benefits of MTR mining (energy production, job creation, tax generation, land use versatility, etc.) offset the temporary impacts on neighboring residences and on unimproved forestlands. This is the same reasoning our ancestors and our current society have used to develop this country for the benefit of all. On this side of heaven, we must wisely and responsibly use our natural resources to sustain our well being. Without natural resource development (coal, natural gas, timber), there is no real economic future for Central Appalachia other than a place for mostly non-resident KFTC members to come visit to buy a quilt or drive through (on newly constructed and permanent 4-lane highways) to look at the Autumn leaves. 9-4-2

If EPA believes that KFTC's "worldview" is correct and MTR mining (with valley fills) should be prohibited due to excessive societal costs, then the EIS needs to reflect the huge costs that would have to be borne by society to compensate coal owners and surface owners for the loss of their economic asset. In other words, a Federal government decision to prohibit MTR mining (with valley fills) would be tantamount to a government "taking" (i.e. condemnation) of the real property of countless coal and surface owners in Central Appalachia. Remember that no MTR mining can take place without the coal operator reaching an economic agreement with the surface owner. So a prohibition of MTR mining (with valley fills) would not only deny coal owners of their real property rights, but surface owners also. Therefore, the Final EIS should clearly identify that any alternative involving a prohibition of valley fills would likely subject the federal government to a huge financial exposure for the resultant taking of private real property development rights. If you will research the Congressional Record behind the Surface Mining Control and Reclamation Act of 1977, you will find that Congress recognized that imposing significant limitations and restrictions on the methods of coal mining amounted to a taking of real property rights and therefore developed statutory protections of these "valid existing rights". Therefore, I believe the Final EIS should strongly consider real property development rights of surface and coal owners when weighing the pros/cons of the various decision alternatives 11-3-5

Thank you for the opportunity to offer this comment. I can be reached at (606) 432-7571 should you have any questions.

Sincerely,

Kenny Schmidt

Kenny Schmidt
130 Evan St.
Pikeville, KY 41501

Betty Schnaar
P.O. Box 8152
Northridge, Ca. 91327

REC'D JAN 2 6 2004

January 21, 2003

Dear Mr. Fonnan: Re: Mountaintop removal

We MUST mobilize to stop the destructive practice of mining by removing Mountaintops. There is just too much damage To forever streams (& the mountains themselves).

1-9

I am furious that my government ignored its own studies, & proposed WEAKENING rather than strengthening protections for people & the environment.

1-10

The EPA is a STEWARD for the good of the people & the environment they depend on. Please stand up to a government run amuck. Thankyou.

Sincerely,
Betty L. Schnaar

Dave Schuett-Homes
City: Olympia
Date: 12/30/2003
State: WA Zip: 98502

I am writing concerning the draft EIS on by mountaintop removal coal mining. The environmental and economic studies prepared for the draft EIS do not lend any support to the administration's proposed "preferred alternative" that recommends weakening existing environmental laws that limit the size and location of valley fills. In fact, the studies support the opposite conclusion: mountaintop removal must be much more strictly limited to head off additional and significant devastation of the Appalachian region's natural resources and the communities that depend on those resources now and for future generations. I urge you to prohibit destructive mining practices that result in destruction of streams and aquatic habitat and to require protective measures to prevent damage to aquatic systems from mining debris and runoff.

1-10

515 Nerinx Road
Nerinx, KY 40049
January 2, 2004

John Forren
U.S. EPA (ES30)
Philadelphia PA 19103

Dear Mr. Forren,

I oppose mountaintop removal, valley fills and any change in the buffer zone rule. I am disappointed and angry that the federal government ignored its own studies when it proposed weakening rather than strengthening, protections for people and the environment. 1-9 1-10

Of all the destructive mining methods ever, this is surely the most blatantly destructive mining method ever. 1-9

Respectfully yours,

Rose Alma Schuler

Rose Alma Schuler

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:58 PM -----

"Schultz, Lance" <lschultz@walker-cat.com> 01/06/2004 10:04 AM
To: R3 Mountaintop@EPA
cc:
Subject: Fact & Comment

Tuesday January 6, 2004

John Forren
Public Comment- U.S. EPA, (3EA30),
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

All modern economic activity begins with energy. It is the difference between the misery of subsistence and the prosperity of a comfortable standard of living - our standard of living - the envy of the world. The use of energy, which supports work, creates wealth, expands life.

Low-cost, abundant energy is at the cornerstone of our advancement. It has been the central ingredient in our nation's prolonged industrial development, especially that of electric power.

Frankly, no other alternative energy source exists to provide the world a commensurate level of economic benefit as a product of the capital investment expended. However, those of us within the mining industry have held consecrate the responsibility of faithful stewardship we hold to the future generations of West Virginian's to maintain the integrity and beauty of our state's natural heritage. We take this responsibility very seriously. To date, less than 1% of the total land mass in West Virginia has been affected by mountaintop mining and yet most people are led to believe claims that half of the mountains in the state have been irrevocably harmed as a result of the practice. The fact remains that not one fragment of codified empirical evidence exists to suggest that this practice invokes actual harm to the environment. How can we continue to allow the shallow vacuous claims of the environmental extremists to take primacy over the economic well being of the citizens of our state? 1-11

However, certain issues if adopted, could cripple our ability to compete in the global marketplace where West Virginia coal presently represents 50% of world exports. Specifically, I must take issue with the proposed "tightening" of the buffer zone around valley fills. If the decision is made to incorporate valley fills in applying buffer zone regulatory 1-12

boundaries, then the coal industry in West Virginia will surely cease to exist.

In addition, a convincing argument has not been provided as to why it is necessary for a duplication of efforts to exist within the consent decree for related personnel overlapping in their professional capacities. This additional layer of regulatory filtration will only serve to magnify and lengthen the permitting process, which has already produced a stranglehold on the southern coal belt economy.

As a lifelong West Virginia resident I am deeply concerned that the average West Virginian cannot contemplate the severe negative implications abandoning the practice of mountaintop removal would have on their lives. There are 50,000 direct jobs and over 400,000 spin off jobs supported by West Virginia's mining operations. What no one informs them is without the practice West Virginians could expect to pay astronomically higher utility bills. We could forget economic development, as companies such as Toyota would never come to West Virginia without low cost electricity they require for their manufacturing processes. We could expect to bankrupt our state government and to prepare for the mass exodus of West Virginians forced to find gainful employment in other regions of the country from the fact no employment in West Virginia will exist to continue to support the 450,000 of us engaged in the practice of responsibly extracting coal from the mountains of this state.

It would be a reprehensible and callous disregard for human life in the state of West Virginia to abolish the practice of valley fill mountaintop mining. I appreciate your offering to listen to the many points of this foreboding matter and the consequences by which your ruling will bestow on the lives and futures of all West Virginians.

Sincerely I am,

Lance Eric Schultz

Route 2 Box 68A
Hamlin, WV 25523

264 Lyndhurst Pl. Apt. 3
Lexington, KY 40508

REC'D JAN 12 2004

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

January 3, 2004

Dear Mr. Forren,

I was disappointed to read of the Bush administration again supporting mountain top removal. This is upsetting. Mountain top removal is destroying West Virginia, both the mountains and the towns surrounding them. The Bush administration's own impact reports ~~admit~~ admit over 1200 streams and waterways have been damaged by mountain top removal and forest losses are estimated to affect up to 344 vertebrate animals. The scars left from mountain top removal never go away. The scrub that grows in place of trees and flowers cannot support an ecosystem. There is no environmental recovery. Mountain top removal not only destroys ecosystems, it destroys towns and people as well. Mud slides form from erosion, falling boulders crush homes and businesses. Please look into how this is damaging an already disadvantaged area. 1-9

Please encourage the Bush administration to STOP mountain top removal.

Thank you for your time. Lauren Schwartz

January 5, 2004

REC'D JAN 0 9 2004

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

RE: Mountaintop Mining/Valley Fills in Appalachia, Draft Programmatic Environmental Impact Statement

Dear Mr. Forren:

I am writing to express my dismay at the three recommendations proposed for the EIS for Mountaintop Mining and Valley Fills in Appalachia, and the weakening of existing protections in your "status quo" alternative.

The notion that the Clean Water Act permits valley fills is absurd. There is no scientific evidence whatsoever that these extreme and permanent industrial scale disruptions of Appalachian topography can be accomplished without irreparable harm to the waterways of the area and the wildlife that depend on them. Similarly, there is scant evidence that these disruptions have any enduring social or economic benefit to a significant proportion of the people who live in Appalachia that might mitigate the irreparable harm that is being done.

The Environmental Protection Agency must enforce rules that end industrial scale Mountaintop Mining and Valley Fills. The alternatives you propose perpetuate the practice in the face of scientific evidence that it harms the environment that your agency is charged with protecting.

Very truly yours,

Bruce W. Scott
122 ½ West State Street
Frankfort, KY 40601

1-5

Dec 28, 2003

REC'D JAN 0 2 2004

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch St.
Philadelphia, Pa. 19103

Dear Mr. Forren:

I am opposed to mountain-top mining and Valley Fill. These practices are wiping the quality of life in Appalachia, leaving mountains and streams in an irreparable condition. They destroy our forests and damage our drinking water!

I would welcome any really scientific endorsee the coal and Hunter Interest could present to justify these practices. I also oppose any changes that will weaken the laws and regulations to protect clean water and clean air!! The rules regarding "buffer zones" that eliminate mining within 100 ft of streams — should be strictly enforced.

I do not support Alternative #1, #2 or #3 as described in the EIS report. None of these options will protect Appalachian forests, water, & communities!!

Truly Yours,
William F. Scott III
P.O. Box 675
Bloomington IL. 61702-067.

1-19

1-10

1-5

Jason Scullion
<visioner@wildmail.com>
To: R3 Mountaintop@EPA
cc:
Subject: Stop mountain top mining
08/18/03 08:51 PM

I am writing to express my absolute opposition to further mountain top mining. This program of wholesale environmental destruction must end. I am appalled that the EPA can sit by while ecosystem after ecosystem is plowed into oblivion. I encourage this project to be stopped immediately.
Sincerely,
Jason Scullion

1-9

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Help the planet each day! It's free and easy:
http://www.Care2.com/dailyaction/

REC'D JAN 14 2004

January 10, 2004

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch St.
Philadelphia, PA 19103

Dear Mr. Forren:

I am writing regarding the mountaintop removal mining EIS. As you are well aware, the purpose of the EIS was ***"to consider developing agency policies, guidance, and coordinated agency decision-making processes to minimize, to the maximum extent practicable, the adverse environmental effects . . . from mountaintop mining."*** Thus it is deeply disappointing to see the proposed weakening, rather than strengthening, of the rules and policies related to mountaintop removal mining. In particular, the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams is deeply troubling, and I oppose it. This rule should be strictly enforced for valley fills and in all other cases.

1-10

I urge you to recall the original purpose of the EIS and the EPA's mission, and to seek rules that are consistent with both. The laws, regulations and policies related to mountaintop removal mining and valley fills and that protect clean water must not be weakened, but instead must be strengthened.

Sincerely,

Robert Seaver
166 Newbury St., #3
Boston MA 02116

---- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:52 PM ----

LSekura@aol.com
01/03/2004 02:07 PM

To: R3 Mountaintop@EPA
cc:
Subject: MTR EIS - Comments

Are you kidding ?

Someone did a lot of work on this document, but something went terribly wrong. This EIS is unacceptable and needs to be redone or revised.

For example, this EIS doesn't stop or restrict valley fills. Why not? It also suggests reversing a law that protects streams. Why would the EPA do that? Doesn't EPA stand for "Environmental PROTECTION Agency" ? Please help me understand what is going on here. This EIS doesn't protect the environment.

The EIS admits that the environmental effects of MTR are devastating and irreversible. But the EIS suggestions (alternatives) appear to be only in favor of coal companies, not in the spirit of environmental protection. Why is that?

The EIS talks about further studies on the economic effects for the coal mining industry. This is an ENVIRONMENTAL impact statement, not an industry impact statement. I am very concerned at the tenor of this document.

4-2

The EIS need to be reviewed and revised by those with biological expertise. Those most familiar with aquatic and terrestrial ecology, biochemistry, hydrology, etc. People with an in-depth knowledge of how the natural world's processes react, heal, etc. These same people need to make suggestions on alternatives. I can help and I know many organizations that can help.

Please call or email, or ask someone to contact me to answer the above questions. It might be easiest if you could provide 2-3 contact names. Please include those who can authorize alternatives to the EIS.

Please put a hold on all mountaintop removal practices until this is resolved. Many people have died or lost their homes already. Not to mention the wild flora & fauna, and the mountains that belong to all -permanently gone. People are going to start thinking the EPA believes this is acceptable.

Thank you,
Linda Sekura
216-663-1876

Mr. John Forren
U.S. Environmental Protection Agency (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 1 3 2004

Dear Mr. Forren:

I live in eastern Kentucky. In this region we experience the negative impacts of mining every day. Many of us have water wells that have run dry or turned orange or black due to mining. More than 1,200 miles of our headwater streams have been buried or destroyed by valley fills. Almost 7 percent of our forests have been – or will soon be – leveled by mountaintop removal. Flooding in our communities is increasingly common and severe. We fear the day when the sludge ponds above our homes break – as they did in Martin County, KY in 2000 – burying us at the bottom of hundreds of millions of gallons of toxic sludge. Our quality of life has been shattered by excessive blasting that shakes our homes, cracks our foundations, and wrecks our peace.

1-9

Some call this area a national sacrifice zone. Living here, it feels more like a war zone.

It doesn't have to be this way. There are laws on the books to protect clean water, public safety and the environment. It is perfectly clear that mountaintop removal and valley fills are a violation of the federal Clean Water Act and the Surface Mining Control and Reclamation Act. These practices should be banned. The coal industry must not be allowed to destroy our homeland.

The draft Environmental Impact Statement on mountaintop removal and valley fills is a dangerous gift from the Bush administration to the coal industry. Instead of recommending ways to *stop* the destruction, the EIS proposes ways to make it easier for coal companies to level our mountains, bury our streams, and wreck our homeland. This is shameful and wrong.

1-10

I know first hand the terrible impacts of mountaintop removal and valley fills. I also believe we can build a better future for eastern Kentucky. We can have clean streams and a healthy forest and restore our quality of life. We can create good jobs for our people that don't wreck the environment. And we have to start down a different road now.

Take a stand. Enforce the law. Ban mountaintop removal and valley fills. Stop the coal industry from destroying everything that we value most. Start making choices that will benefit our children and yours.

1-9

Sincerely,

Name Danny Sergent
2696 Highway 317
Jackhorn Ky 41825

01/06/04

I am a concerned citizen in Lexington, KY. I have browsed the Draft EIS for mountaintop removal coal mining. My perception is that the EIS does little if anything to limit this destructive practice. In fact it seems to make mountaintop removal mining permits easier to obtain while not limiting the extent of their environmental damage. I strongly urge you to amend this document to include measures that truly and strongly limit this type of mining procedure. Any EPA EIS governing mountaintop removal mining should include strict language limiting the extent of valley fills and limiting the acreage of forest take. Language tying any permitted entity to specific mitigation measures (like stream restoration ratios and requirements) should be included. Mountain tops in Appalachia provide habitat for a number of wildlife species that are in danger of extinction. Some of these species occur nowhere else. Federally listed threatened and endangered species that occur in these habitats include the Indiana bat, the Virginia bit-eared bat, the Cumberland blackside dace, and others. In addition a number of non-listed species that are in equal or greater danger of extinction, like the Pine Mountain disk, also occur. Although the listed species receive a modicum of protection through the Endangered Species Act, these species are still in decline chiefly due to habitat destruction. Non-listed species, which are equally endangered, receive no protection. The EIS should mare strictly limit or stop mountaintop removal in areas where federally listed threatened and endangered species are known or have the potential to occur. The EIS should contain measures to help protect rare species that have not yet been listed. The destruction of mountaintops in Appalachia from mountaintop removal is not contained to the footprint of the direct impact. This mining procedure creates near ecological deserts thact as a barrier to the flow of genetic material along ridgetops. They act to isolate gene pools. Without this flow of genetic material between wildlife populations, the fitness of future generations is weakened. Sedimentation and toxic pollutants released from mining processes transport downstream, decreasing diversity throughout a watershed, not just at the site of mining activity. As natural mountaintop communities continue to disappear, they need to be granted greater protection, not opened up for faster destruction. The EPA's EIS for mountaintop removal coal mining needs to include language limiting the size of valley fills, limiting the destruction of forests and more strongly protecting habitat for rare wildlife. Thank you, Price Sewell

1-10

8-1-2

EIS PUBLIC HEARING STATEMENT
July 22, 2003
Hazard, Kentucky

I would like to thank this Committee for the opportunity to submit comments concerning the Draft Programmatic Environmental Impact Statement. I am Dink Shackleford, Executive Director of the Virginia Mining Association (VMA). VMA represents over 70% of all the coal mined in Virginia. We are comprised of more than 70 members made up of coal producers and various vendors and suppliers who provide services to the coal mining industry. In short we represent thousands of hard working coal mining, tax paying citizens, their families and companies in Virginia.

With regard to the proposed EIS, any changes to existing rules need to be considerate of potential ramifications that hinder the mining industry's ability to provide the economical energy demanded by the American public. The Virginia coal mining industry has demonstrated itself as capable to mine coal responsibly while providing lands suitable for a diverse range of activities. Level lands suitable for facilities such as hospitals, schools, shopping centers as well as farm and timber production have been developed through mining in Virginia. VMA is concerned that the proposed rules will drastically inhibit future development of level lands in Southwest Virginia through mining.

For decades professional planners have declared the number one problem that hinders economical development in the Central Appalachians is the lack of level developable land. The mining industry has helped in the past and can help in the future to create level usable land ready for human development within our region. It is our fear that any regulation that goes too far in curbing these currently accepted practices of the past 20 + years will be detrimental to the region in both the short and long run. In Virginia we have built miles of water lines into areas that everyone said, why build there? No one will ever build anything there! They were wrong. Homes and businesses have sprung up all along those miles of then lonely water lines, just as development will occur on these man made level areas created as a result of mining. Don't deprive us of future development by eliminating the incentive to develop these lands.

The regulation of mining does not need to be made more cumbersome by multiple federal agency bureaucratic regulations. The more overlapping and the more attempts by federal agencies to entrench themselves in job security by seizing dominance over the Office of Surface Mining and the various state mine regulatory agencies responsibilities is a travesty upon the American citizens who demand energy at an economically reasonable price and the working people who meet this demand. It further dismisses all the empirical environmental progress made by our efforts to protect the environment and create usable land in the last 20 years. In short this regulatory act could be one huge step backwards.
Thank you once again for allowing our comments to be heard. VMA and its members are proud to be part of this process and to be providing economical energy to millions of Americans.

10-3-2

10-3-2

1-12

REC'D DEC 2 2 2003

Mr. John Forren
U.S. EPA
1650 Arch St.
Philadelphia, PA 19103
Email- mountaintop.r3@epa.gov

I oppose the practice of mountaintop removal mining. This mining is destroying our communities, homes and lives. We are constantly flooded, in homes that we have spent our lives in. We are being pushed out of our homes by the destruction caused by mountaintop removal mining. Our roads are being shut down ever time it rains this makes our rescue personal useless to us. Our tax dollars are what fixes all the mess caused by the mining going on around us. No wonder mining is so profitable we as citizens pick up the bill on the devastation caused by the mine companies. Please stop this insanity its killing out entire communities. Not to mention the effects it's having on our environment. The habitats of our animals are destroyed, running the wildlife away. Our streams are filled with rock that the mine companies pile into these valley fills. The waters get up and have no where to go but into peoples homes. Our mountains are exploding with water. These outbreaks come out into people's yard and underneath their homes. Our homes are literally being blasted off their foundations or the earth is opening up and swallowing them. Please stop the practice of mountaintop removal coal mining and save our homeland, our children's future and very possibly our lives

1-9

Name Justine Sharp
Address Box 46
Van WV 25206
Phone 245-8283
Email

DEC 18 2003
RECD

Walt R. Sharpe
Mary Kay Nelson
2497 Sheals Fork Rd.
Homer, WV 26372
December 13, 2003

Dear Sir:

We would like to voice our objections to the findings and recommendations of the E.I.S. for mountain top removal mining.

This E.I.S. does nothing to alleviate the problem of Mtn Top Removal & in fact it serves only to streamline and hasten the continuing devastation the practice wreaks on the Mountains of WV & Ky.

It would be redundant for me to list all the damage this practice causes to the Woodland, water, wildlife & citizens of WV & Ky since anyone person with a sixth grade education can see the damage it causes

4-2

In closing please include us in the list of persons & organizations objecting to the EIS in the strongest terms. I think you

3-3

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19103

Aug. 12, 2003

Dear Mr. Forren,

I am writing you regarding the recommendations in the EIS Statement. It is so easy for people who don't live in the shadow of mountain top removal to make recommendations that have absolutely no affect on their lives. You don't see the devastation caused by flooding and you don't live with the fear generated by a rainstorm. The heritage of the people living in these areas isn't important to you. Yes, a home or vehicle lost in a flood can be replaced, but the things that are part of a family's heritage can never be replaced. It might be a family Bible, handed down through several generations, maybe a lace tablecloth made by a great-great grandparent, these things can never be replaced. 17-2-2

I understand that flooding sometimes occurs, that is part of life. Automobile accidents are also a part of life, but flooding caused by mountaintop removal is not an accident any more than a drunk behind the wheel of a car is an accident. If you drink and drive and have a wreck it is your fault because you knew better. Flooding caused by mountaintop removal and lax enforcement of the law is not an accident either because common sense tells you if you remove the trees from a mountain there is nothing there to hold the water back.

We were here long before the coal companies. We are not allowed to trespass on their property or do them any harm yet everyday the government, state and federal, allows them to trespass in our lives. They pollute our streams and rivers and nothing is done about it. (If I am caught dumping something in the river I would be arrested.) They fill the air we breathe with coal dust. 15-1-2
The blasting they do for these MTR sites damages our homes and further pollutes the air. When the forests and mountains are destroyed no amount of "reclamation" can ever replace them. The wildlife is gone because the hardwood forests are gone. 19-3-2

In years to come, when the dust settles and the coal and coal companies are gone, what will be left? Barren, useless land that is unfit for anything. Streams will be choked with the chemicals and waste from the coal companies. Our land will be useless, the air and water will be polluted our heritage will be gone. Can you guess what else will also be gone? The coal companies of course.

The recommendations set forth in the EIS report do nothing to protect the people, only the coal companies. To allow the permitting to be streamline is insane. It is like giving alcohol and car keys to a drunk. 1-5

Sue Sharps
Box 52
Peytona, WV 25154
(304-836-5975)
jssharps@yahoo.com

Sue Sharps

Delivered Date: 01/15/2004 08:17:28 PM

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I think it's common knowledge on both sides of the political aisle that the Bush Administration is not exactly eco-friendly. However, given their plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities is both ruthless and reckless.

While the issue before us is the mountaintop clearing, the coal industry is what I'm most concerned about. With dangerous levels of mercury already in the atmosphere, it seems terribly irresponsible to encourage any measures which will lead to greater accumulations of this toxin in our air and water. 1-9

By allowing the strip mining, we will pay a dear price twice. Please urge the administration to seek alternative measures to this dangerous and irresponsible action.

Sincerely,

Barrett Sherwood
1015 Keniston Ave.
Los Angeles, California 90019

cc:
Senator Barbara Boxer
Representative Diane Watson
Senator Dianne Feinstein

---- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

"shriner@cnr.colo
state.edu" To: R3 Mountaintop@EPA
<shriner cc:
Subject: Please Stop Destructive Mountaintop
Removal Mining
01/06/2004 12:48
PM

Dear Mr. John Forren, Project Manager,

I am writing to express my opposition to mountaintop removal mining. Please consider altering the EPA's EIS to greatly limit mountaintop mining. The results of this environmentally destructive practice are devastating, long-lasting, and far-reaching, particularly considering the low payoff. Most of the damages caused by mountaintop removal mining are irreversible and allowing this practice to continue robs future generations from the natural resources of Appalachia. 1-7

Please heed the results of the EIS and impose strict limits on mountaintop mining.

Sincerely,

Susan Shriner
2995 Querida Street
Fort Collins, CO 80526
shriner@cnr.colostate.edu

Forwarded by Catherine Zabroski/R3/USEPA/US on 01/05/2004 03:58 PM

Internet Daemon

Owner To: GROUP
LIBRARY-REG3@EPA, Charles Perritt/R3/USEPA/US@EPA, Lawrence
<idaemon@mountain Teller/R3/USEPA/US@EPA,
Tony Scipione/R3/USEPA/US@EPA
.epa.gov> cc:

Subject: (004154104)
General Comments
01/05/2004 03:41

PM

comments
My comment concerns MTR, Mountain Top Removal.
Mountain Top Removal is a bad method for mining coal. This method
eventually will foul and pollute the rivers and the ground water. And 1-9
it is dangerous to the forests and animals - frogs, people, etcetera -
in the vicinity.
email
hrhjune@brick.net
org
June Silverman,
phone
314-862-5925
submit
Submit

REC'D JAN 2 6 2004

1-20-04

John Forren
1650 Arch St.
Philadelphia. PA 19103

Re. mtn Top removal

Sir:

The Bush administrations plans to continue to let coal companies destroy appalachia with mining practices that level mountaintops, wipe out forests and bury streams in the valleys below is unacceptable.

Mountaintop removal mining and Valley Fills should not be allowed and the laws and regulations that protect clean water must not be weakened.

my husband and I are disappointed that the federal govt ignored its own studies when it proposed weakening, rather than strengthening protections for people and the environment.

Sincerely, Willis + Nellie Simms
6251 Jurmilla, Woodland Hills Ca 91367

1-9

REC'D JAN 2 6 2004

Jan 21, 2004

Dear John Forren, EPA

Stop the coal companies from destroying appalachian mountains and forests with strip mining.

The wastes from these mines are polluting streams and ruining the life of people in the area, and causing the destruction of wildlife and wildplants.

Sincerely
Willis E Simms
6251 Jurmilla Ave
Woodland Hills, Ca
91367

1-9

2651 Peaceful Road
Paris, Kentucky 40361-8932
January 18, 2004

John Foran
USEPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 2 3 2004

Dear Mr. Foran,

As a resident of a state which has been subjected to the devastation of mountaintop removal, I am greatly concerned that the federal government do what is necessary to keep strong controls over this process in order to protect our land and our water. The destruction of the physical landscape in order to facilitate the removal of coal in the most profitable way must not be allowed. Ultimately, mountaintop removal should be completely banned; in the meantime, controls should not be weakened.

1-9

Sincerely yours,
Pat Simpson

Date: 01/05/2004 03:59:48 PM

Sir,
I am writing to express my opposition to mountaintop removal for coal mining in the eastern United States. Scientific evidence shows this practice to be harmful to the natural ecosystem, including rivers and streams, as well as local human communities. I urge the EPA to conduct a full study of the matter and uphold the most stringent standards possible when considering this destructive process.

1-9

Gary Skulnik
11609 Gilsan St.
Silver Spring, MD 20902
301-754-2642

REC'D JAN 0 8 2004

Deana Steiner Smith
HC 78 Box 99A1
Rock Cave, WV 26234

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

January 3, 2004

Dear Mr. Forren,

I recently reviewed parts of the EIS study on Mountain Top Removal. The report verifies that the practice of Mountain Top Removal is severe and irreversible, permanently destroying millions of acres of land supporting forests, streams, wildlife and communities. Yet instead of imposing limits on environmental harm, the EIS recommends practices such as streamlining permits, eliminating the 100 foot stream buffer zone, neglects studies that support the reduction in the size of valley fills and ignores the devastating effect Mountain Top Removal has upon nearby communities.

I have had the opportunity to fly over Mountain Top Removal sites several times. The annihilation of such a vast area is quite dramatic from the air. Rolling hills disappear leaving only rubble and disturbed earth. The questionable practice of burying headwater streams, the destruction of diverse forest land and the elimination of communities is contrary to living a life of substance and relevance in West Virginia.

I would like to request strong limitations on the burying of headwater streams; reduce the size of valley fills and not weakening the 100 foot stream buffer zone.

Thank you.

Sincerely,
Deana Steiner Smith
Deana Steiner Smith

1-10

Donna Smith
Date: 1/02/2004
City: Lake City
State: TN
Zip: 37769

Appalachia is my home. It is the home of my ancestors. Coal-mining was the way my father and grandfather made a living. But I am upset to learn that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities.

Communities near me can not drink their well water because of previous coal-mining practices. Yet, the coal companies don't provide the financial means for waterlines to be extended to these people. The local governments can not afford this expense either, so the people in these communities must transport water to their homes.

5-2-2

Date: 01/06/2004 04:43:59 PM

As an environmental geologist with professional experience in the NEPA process, I am deeply disappointed with this draft EIS.

The EIS does not address the full range of reasonable alternatives, as required by the CEQ regulations. The EIS should have considered -- and EPA should have preferred -- the alternative of significantly restricting the devastating practice of removing mountaintops and filling valleys in order to access coal. 4-2

Having lived over 20 years near the Tennessee and Kentucky coalfields, I have seen too many of the adverse impacts of conventional strip-mining for coal, but the impacts of mountaintop removal mining are even more severe and irreversible. Environmentally damaging practices that would not be dreamed of in any other sector of our economy seem to be commonplace -- and even encouraged -- in coal-mining. This is wrong. Mine operators should not be allowed to obliterate streams and annihilate entire landscapes to access coal. 1-9

The EIS analysis clearly demonstrates the adverse impacts of this mining practice. Please prepare a revised draft EIS that considers the alternative of prohibiting new mountaintop removal and valley fill operations, and stopping the existing ones within 5 years or by the expiration of the current mining permits -- and please select this alternative. 1-13

Ellen D. Smith
116 Morningside Drive
Oak Ridge, Tennessee 37830

REC'D DEC 2 4 2003

December 18, 2003

Dear Mr Forren,

I am opposed to changes in our laws and regulations that weaken protections for our nation's streams and rivers. I am opposed to each of the alternatives in your May 29, 2003 draft Environmental Impact Statement. 1-10

The draft EIS contains indisputable evidence of the irreversible harm caused by mountaintop mining. Worse, the "preferred alternative" would increase the damage caused by mountaintop mining by eliminating the 100' buffer zone on large streams, allowing nationwide permits to be used in West Virginia on valley fills over 250 acres, and giving the Office of Surface Mining a role in Clean Water Act permitting. 1-5

I have many happy memories of my time in Appalachia and West Virginia. Someday, I hope my children can experience the same, and while they do, they can drink clean water.

Please abandon the "preferred alternative" and reevaluate a full range of options that will minimize the enormous damage caused by mountaintop mining and valley fills.

Thank you for your time,

Eric T. Smith

John W. Smith, Political Scientist
Date: 1/16/2004
City: Beverly Hills State: MI Zip: 48025

As an author writing a book on the political geography of Michigan and more especially the Upper Peninsula, I have seen the devastation of copper and iron mining conducted without environmental guidelines protecting steams flowing into Lake Superior especially in Ontonogon and Kewanaw Counties. West Virginia has coal, but the open pit mining long-term outcomes are analogous. I am opposed to allowing operations to cut overburden without explicit restoration protocols to safeguard future generations. In Michigan's case, we are that generation. The draft Environmental Impact Statement should retain the rule making it illegal for mining activities to disturb areas the impact adjacent streams.

14-2-2

REC'D JAN 0 8 2004

January 3, 2004

Mr John Forren
U.S. Environmental
Protection Agency
1650 Arch Street
Philadelphia Pa
Dear Sir;

As a resident of the Ohio Valley I've seen the permanent damage done by forms of strip mining.

1-9

Please act to limit mountain top removal mining.

Sincerely,
Jonathan Smuck
Jonathan Smuck
768 Woodlawn Rd.
Steubenville Ohio
43952

REC'D JAN 1 2 2004

January 3, 2004

Mr John Forren
Environmental Protection Agency

Dear Sir,

As a resident of the Ohio Valley I've seen the permanent damage done by strip mining. 1-9

Please act to end mountaintop removal.

Sincerely,
Jonathan Smuck
Jonathan Smuck
768 Woodlawn Rd
Steubenville Ohio 43952

note: duplicate so this copy will arrive on time.

214 Rockldege Dr.
Nitro, WV 25143

REC'D 2003

August 13, 2003

John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19130

Dear Mr. Forren:

I am writing in response to the Environmental Impact Study (EIS) on Mountain Top Removal. It appears that Department of the Interior has chosen to ignore the scientific studies on mountaintop removal and has instead drawn conclusions dictated by the Bush political agenda. Throughout central Appalachia, some of the most productive and diverse temperate hardwood forests in the world have been destroyed when coal companies blast off hundreds of feet of mountaintops to get to thin seams of coal. In most circumstances, the former lush forests will remain degraded as grassy, unproductive scrub land for at least several centuries. These unproductive grasslands cover nearly 20% of some southern West Virginia counties. 7-5-2

Millions of tons of rubble from the former mountains are pushed into the adjacent valleys. Coal companies have already buried hundreds of miles of Appalachian streams, destroying not only the streams themselves, but creating disastrous impacts to downstream waterways and towns. As residents point out, mountaintop removal is also devastating the culture and communities of the region. The scientific studies and the economic data included in the EIS clearly show that there is no reason for the valley fills should be so large and so damaging to the environment. 5-7-2 10-2-2

Mountaintop Removal destroys streams, contaminates drinking water, causes flooding, makes moonscapes out of the beautiful Appalachian Mountains- some of the world's oldest mountains, causes blasting damage to residents homes, air pollution to residents, destroys hardwood forests and wildlife habitats, destroys Appalachian culture and heritage, destroys jobs and is an environmental disaster. 1-9

Once our environment is destroyed, it is PERMANENTLY destroyed. Mountaintop Removal must be stopped NOW!

Sincerely,
Susan Sobkoviak
Susan Sobkoviak

DeliveredDate: 01/17/2004 09:42:49 PM

Richard Soderberg
353 Blackstone St
Springfield, OR 97477

January 17, 2004

John Forren
US EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Forren:

After reading about the EIS report's description of the destructive effects of mountaintop mining, I felt that I should write in support of the report.

I can't bring myself to believe that any economic gain is worth the environmental distress of a stripped mountaintop; unfortunately, it seems that plans are moving forward to use this method.

Thus, I ask that y'all please reconsider plans to move forward with mountaintop mining, and instead investigate alternative means of economic growth.

1-9

Thanks for listening, I hope,

Richard Soderberg

From: sooner_fan_20@msn.com [mailto:sooner_fan_20@msn.com]
Sent: Friday, May 30, 2003 8:12 PM
To: Augustine, William R; Hot-Topics
Subject: Mountain top mining

I was amazed to see pictures in the Tulsa World Newspaper today of mining on top of mountains in West Virgina. This looks like something done in a third world country and not the USA. This has to have a terrible effect on the environment. They might as well turn the top of these mountains into a trash dump. A dump would probably be better at least it would some day clean up. This is a ridiculous act that has to be stopped.

1-9

Thanks for letting me speak.
Referring page is
http://www.usace.army.mil/inet/functions/cw/hot_topics/sendme.htm

---- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM -----

Connie Sowards <sowardc@stjohns.k12.fl.us>
01/05/2004 09:32 AM

To: R3 Mountaintop@EPA
cc: sowardc@mms.stjohns.k12.fl.us
Subject: Mining Operation

Mr. Forren,

There are no words to describe to you what has been done to the beautiful farmlands around my hometown of Lisbon, Ohio. Strip mining/mountain top mining and landfill operations have wreaked havoc with the local environs there. Please consider carefully as you reach a decision in regards to the mining issues before you.

America will never move forward until we make larger strides toward lessening our dependence on all fossil and non-renewable fuel sources. The EPA should agressively move our nation forward in this quest. Industry will not move there when the initial change will cost, progress goes out the window.

Thank you for your time,

Constance S. Sowards, science
Murray Middle School
Center for the Arts
150 North Holmes Blvd.
St. Augustine, FL 32086

Wayne C. Spiggle, M.D.
Box 97, Rt. 2
Keyser, WV 26726

REC'D AUG 2 0 2003

August 11, 2003

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19130

Re: Comments:
EIS, Mountain Top Removal

Dear Mr Forren:

Your Environmental Impact Statement on Mountain Top Removal will go down in history as a sham that ignores legitimate scientific inquiry and a prime example of how the Bush administration wages war on the environment. 4-2

The impact statement appears to me to be and organized effort to sacrifice one of the most beautiful regions of the United States to the short term profits of the coal industry. By its nature, coal mining carries with it certain negative environmental consequences but technology is available to mitigate much of the damage and mine coal profitably and with more jobs than does large scale mountain top removal operations. 1-9

You should be calling for watershed planning and best practices. Instead, you call for agencies to work with each other for the wholesale destruction of Appalachian coalfields. 1-8

Yours truly,

Wayne C. Spiggle, M.D.

----- Forwarded by David Rider/R3/USEPA/US on 01/12/2004 02:45 PM -----

metsexpos@earthli
nk.net To: R3
Mountaintop@EPA

cc:

12/24/2003 08:09 Subject: Comments on
draft programmatic EIS on mountaintop removal coal mining
AM

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I feel that writting letters to the Bush Administration about environmental issues is rather useless. Not enough people in the White House, Senate or Congress have cared enough about our environment to phase out coal fired power plants as was intended 30 years ago with the Clean Air Act. Coal fired power and nuclear power should be the first items to be phased out, and replaced with renewable energy very soon. This phase out would erase the need for a discussion on mountain top removable, which is one of the most short sighted things we could do to our earth. 1-9

Sincerely,

Daniel Spilman
87 Mountain View Road
Massau, New York 12123

cc:
Senator Charles Schumer
Representative John Sweeney
Senator Hillary Clinton

5 January 2003

REC'D JAN 14 2004

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I am writing to express my opposition to the Bush administration plans to continue to let coal companies damage Appalachia with environmentally destructive mining practices. When I lived in the Washington, DC area I spent many weekends exploring regions of Appalachia hiking and fly-fishing. The continuation and expansion of mountaintop removal coal mining destroys the streams that are critical to local sports people and the water sources for farmers downstream. 1-9

According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations. 1-7

The Bush administration's "preferred alternative" *weakens* existing environmental protections. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including the fact that over 1200 miles of streams have been damaged or destroyed by mountaintop removal. 1-10

Without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining. 1-5

In light of these facts, I urge you to consider alternatives that reduce the environmental impacts of mountaintop removal. Thank you for your consideration of this important issue.

Sincerely,

Joel Spoonheim
680 Asbury St.
St. Paul, MN 55104
651.645.5567
jspoonheim@hotmail.com

Richard Spotts
<spotts@infowest.com>
To: R3 Mountaintop@EPA
cc:
Subject: Please Stop Allowing Mountaintop Mining to Bury Streams
11/12/2003 07:52 PM

November 12, 2003

John Forren, Environmental Protection Agency
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I am appalled that EPA continues to allow industry to bury streams through the outrageously anti-environmental practice of mountaintop mining. This practice is clearly contrary to the intent of the federal Clean Water Act. Nevertheless, EPA seems to believe that the convenience and profits of industry comes before the environment and public interest. 5-7-1

I am opposed to any changes that would weaken the laws and regulations that protect our rivers and streams from the effects of mountaintop mining and valley fills. As a result, I am opposed to each of the alternatives evaluated in your May 29, 2003 draft Environmental Impact Statement (EIS). 1-10 1-5

Your draft EIS contains indisputable evidence of the devastating and irreversible environmental harm caused by mountaintop mining. Other agency studies also show that mountaintop mining contributes to flooding disasters in mountain communities. Unfortunately, each of the alternatives in the draft EIS ignores the findings of these studies and the very purpose of the EIS- to find ways to minimize, to the maximum extent practical, the environmental consequences of mountaintop mining. The draft EIS does not examine a single alternative that would reduce those impacts. 4-2

Worse, your "preferred alternative" would clearly increase the damage from mountaintop mining by eliminating the Surface Mining Control and Reclamation Act's buffer zone rule that prohibits mining activities that disturb any area within 100 feet of larger streams, eliminating the current limit on using nationwide permits to approve valley fills in West Virginia that are larger than 250 acres, and giving the Office of Surface Mining a significant new role in Clean Water Act permitting for mountaintop mining (a role it does not have under current law).

Our environmental laws require, and the citizens of the region deserve, a full evaluation of ways to reduce the unacceptable impacts of mountaintop mining. 4-2

Please abandon your "preferred alternative" and reevaluate a full range of options that will minimize the enormous environmental and economic damage caused by mountaintop mining and valley fills.

EPA is moving in the wrong direction now, and I urge you to stop and reverse course before more irreversible harm occurs.

Thank you very much for your consideration.

Sincerely,

Richard Spotts
1125 W. Emerald Drive
Saint George, UT 84770-6026
USA
spotts@infowest.com

DEC. 23, 2003

REC'D DEC 29 2003

DEAR MR. FORREN:

PLEASE ACCEPT THIS LETTER WITH MY COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) RELATING TO MOUNTAINTOP REMOVAL COAL MINING.

I BELIEVE THAT THIS DEIS IS INADEQUATE BECAUSE IT FAILS TO SERIOUSLY ADDRESS HOW TO REDUCE THE DEVASTATING, LONG-TERM IMPACTS CAUSED BY THIS MINING PRACTICE. THE DEIS ALSO DOES NOT REALISTICALLY EVALUATE HOW MORE AGGRESSIVE ENERGY CONSERVATION AND EFFICIENCY PROGRAMS COULD ALLEVIATE THE ALLEGED NEED FOR THIS COAL. 4-2

AT A TIME WHEN EPA SHOULD BE DEFENDING APPALACHIAN STREAMS, VALLEYS, AND LOCAL RESIDENTS FROM AVOIDABLE ADVERSE IMPACTS, IT INSTEAD APPEARS TO BE PUTTING COAL COMPANIES AND UTILITIES FIRST. THIS IS FUNDAMENTALLY WRONG AND AGAINST THE PUBLIC INTEREST.

FOR EXAMPLE, SECTION 404 OF THE CLEAN WATER ACT IS SUPPOSED TO PROTECT STREAMS AND WETLANDS FROM FILL, BUT, SINCE 1985, OVER 700 MILES OF STREAMS AND ASSOCIATED WETLANDS HAVE BEEN "BURIED ALIVE" UNDER MOUNTAINTOP REMOVAL FILL.

IN ADDITION, THE EXECUTIVE ORDER ON ENVIRONMENTAL JUSTICE IS SUPPOSED TO PREVENT FEDERAL AGENCIES FROM INFLICTING ENVIRONMENTAL HARM ON DISPROPORTIONATELY POOR OR MINORITY SEGMENTS OF THE POPULATION. DESPITE THIS ORDER, EPA CONTINUES TO "LOOK THE OTHER WAY" AS MOSTLY POOR, POLITICALLY WEAK CITIZENS ARE PUT IN HARM'S WAY BY POWERFUL, POLITICALLY CONNECTED COAL COMPANIES AND UTILITIES. 10-7-2

ALL THE BUREAUCRATIC JARGON AND SUGAR-COATING IN THE DEIS CANNOT CONCEAL THE BASIC REALITY OF DESTRUCTIVE MOUNTAINTOP REMOVAL MINING.

I URGE EPA TO REVERSE ITS PRESENT INDUSTRY-DRIVEN COURSE AND TO NOT WEAKEN EXISTING ENVIRONMENTAL PROTECTION REQUIREMENTS. EPA SHOULD THEN MORE EFFECTIVELY ENFORCE THESE REQUIREMENTS. 1-10

THANK YOU VERY MUCH FOR YOUR CONSIDERATION.

SINCERELY,

RICHARD SPOTTS
1125 W. EMERALD DRIVE
ST. GEORGE UT 84770-6026

Tom Spry
HC 69 Box 38C
Middlebourne WV 26149-8822
304-758-2808
tspry@ovis.net

REC'D AUG 1

August 12, 2003

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

Mountaintop removal, or whatever bureaucratic euphemisim it is known by, is evil.

Destroying the beautiful mountains of Appalachia for expedient purposes cannot be remedied. It cannot be erased. The sublime, natural beauty of this part of this sacred Earth will be changed forever, and truly, has to some extent already been irrevocably altered for the sake of cheaper energy.

Please consider the grave ramifications of this brutal method of coal removal.

1-9

With profound sincerity,

Tom Spry

Tom Spry

---- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

"xansilk@yahoo.com" <xansilk
01/06/2004 04:51 PM

To: R3 Mountaintop@EPA
cc:
Subject: Please Stop Destructive Mountaintop Removal Mining

Dear Mr. John Forren, Project Manager,

Industrial and commercial activities can be accomplished with no net loss to our natural environment. Many of today's mining practices ignore that reality and pass on the long term costs to our children and grandchildren. This will not work for our budget and it will not work for industry.

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities.

1-5

Sincerely,

Sue Staehli
6230 SE Belmont St.
Portland, OR 97215
xansilk@yahoo.com

REC'D AUG 2 6 20

870 Vine Street, 61
Chattanooga, TN 37403-2346

August 19, 2003

Mr. John Forren, US Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19130

Dear Mr. Forren:

I am writing to you to express my deep concern about the method of extracting coal known as Mountaintop Removal Mining. This is a mining method that is environmentally destructive. It is an especially bad problem in my home state of West Virginia, although it is to be found in other states as well.

Mountaintop Removal Mining (MTR) is bad for the environment for several reasons. First of all, it destroys streams, as the streams are often filled with earth and rocks to such an extent that they are no longer viable streams. This is in direct contradiction to the Clean Water Act. Secondly, the tops of the mountains look like moonscapes in what should be a beautiful part of the Appalachian Mountains. Because the trees and other vegetation are removed through MTR, the waters from heavy rains often run off quickly, causing severe flooding and damage to homes and communities. 1-9

Yet another problem is the air pollution that is caused by the blasting and the heavy mining equipment. The blasting that is an integral part of MTR often damages homes that happen to be located nearby. Moreover, the destruction to hardwood forests is frequently overwhelming. 15-1-2

And then there is the personal impact to those living in these mountain areas. Sometimes whole communities are destroyed and displaced. Surely this is no way to respect the Executive Order regarding Environmental Justice for low-income persons. 10-7-2

I would like to register my strong support for those groups whose goal is to put an end to the environmentally destructive practice known as MRT. In addition to your reading my letter, I hope that you will respond to it. Thanks for your time and your response to this letter. All good wishes.

Sincerely,
Robert Stanley
Robert Stanley

REC'D JAN 0 5 2004

Dear Sir:

I wish to inform you I oppose any weakening of the rules governing mountaintop removal. 1-10

Here in the southern part of W.Va. the residents have to endure polluted streams, destroyed forests and the wild-life habitat, flooding, mud slides, blasting damage to private property, and dangerous speeding overloaded coal trucks on our highways.

The type of mining should be stopped or more heavily regulated, not allowed to destroy the area as they are currently doing. We need stricter rules, not watered down ones like we currently have. I think its time you people in charge should start doing your jobs. We need help down here. 1-9

Dallas Staten
RT. 2 Box 102
Delbarton W.V. 25670.

Steven A. Stathakis

855 Opekiska Road Fairmont, WV 26554

Telephone: 304.363.9315 e-mail: mizzen@nard.net

DEC 18 200

RECD

John Forren
US EPA
1650 Arch Street
Philadelphia, PA 19103

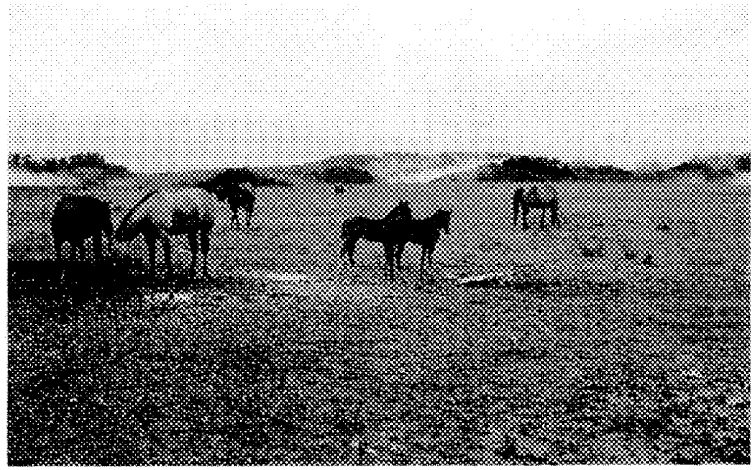
Dear Mr. Forren:

As a resident of West Virginia I have seen creeks run with discolored water devoid of life, and spoken with people who have suffered loss of access to family cemeteries, clean water in streams, and wells stopped as a result of mountaintop removal mining. I have seen green forested hilltops full of game reduced to lifeless barren, rock strewn waste land after mining operations are through extracting coal. The danger from increased flooding caused by this practice is real and demonstrated in recent flooding episodes. 1-9

I urge you, the U.S. Environmental Protection Agency, to protect the people who live in coal producing regions and the environment in which they live. Please reject President Bush's proposed rule changes which would ease restrictions on mountaintop removal permits and ignore existing environmental protections. 1-10

Sincerely,

Steve Stathakis



Hazard Hearing – 22 July 2003
Submitted by speaker – Fitz Steele
#43 Evening Session

Hazard Hearing – 22 July 2003
Submitted by speaker – Fitz Steele
#43 Evening Session

Edward H. Stein, M.D.
2400 S. Trask St.
Tampa, FL 33629

REC'D JAN 2 0 2004

January 12, 2004

John Forren
US EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Re: Mountain Top Mining Draft EIS Comments

Dear Mr. Forren:

MY OWN PERSONAL MESSAGE: I am aghast at the Bush administration for allowing this horrendous practice. It makes a mockery of any pretense at being decent stewards of the land. I am very fond of the Appalachian areas this administration is permitting the destruction of. I love these mountains and streams, and vacation there frequently. You don't destroy mountains and streams if you have any modicum of environmental sensitivity. The Bush administration will seal its image with me if it permits the continuation of this practice.

Edward H. Stein, M.D. - 2400 S. Trask St. - Tampa, FL 33629 - ehstein@usa.net

1-9

I oppose the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests and bury streams in the valleys below. According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of this practice are devastating and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams; no limits on the number of acres of forest that can be destroyed; no safeguards for imperiled wildlife; and no safeguards for the communities that depend on the region's natural resources.

Remarkably, the draft EIS states that the Bush administration's preferred alternative for addressing the enormous problems caused by mountaintop removal coal mining is to weaken existing environmental protections. The draft EIS proposes streamlining the permitting process, allowing mountaintop removal and associated valley fills to continue at an accelerated rate. The draft EIS also suggests eliminating a surface mining rule that makes it illegal for mining activities to disturb areas within 100 feet of streams unless it can be proven that streams will not be harmed.

1-10

Instead of allowing mountaintop removal to continue unabated and even increase, the Bush administration must consider alternatives that reduce the environmental impacts of mountaintop removal and then implement those measures to protect natural resources and communities in Appalachia, especially restrictions on the size of valley fills to reduce stream and forest loss. These alternatives must be evaluated for individual projects as well as regionally so that the cumulative impact of the destruction caused by mountaintop removal is addressed.

1-5

Edward H. Stein, M.D.

Jim Steitz
1505 S. Espina #5
Las Cruces, NM 88001

REC'D NOV 1 3 2003

November 8, 2003

Mr. John Forren,
US EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I write to express my strongest concern regarding the continuation of mountaintop removal mining in the United States, and the rulemaking concerning this practice in which the EPA is currently engaged. I strongly believe that this method of mining is an archaic oddity that does not conform in any way to the reasonable balance of resource values that resource managers have learned to seek.

1-9

Mountaintop removal mining is singular in its complete and absolute annihilation and exclusion of any other environmental or resource values. It is without question the single most destructive land-use practice that human beings have yet developed, and is currently laying waste to vast areas of already endangered forests in the Southeastern United States. Entire streams are being wiped out of existence. This type of complete elimination of ecosystems is completely unacceptable in this era of global environmental endangerment, and should be phased out immediately.

I strongly urge the EPA to adopt an alternative that allows for no further permitting of mountaintop removal mining. Although the natural resource agencies have a strong habit of twisting their stated values in order to achieve a sort of middle ground in each controversy they encounter, there is no such middle ground when it comes to mountaintop removal mining. The damage done is absolute, and it amounts to a form of ecological genocide. There is no amount of coal that can compensate for the complete losses suffered by these landscapes, and the values lost to human communities as a result.

Again, please bring the practice of mountaintop removal mining to a swift and merciful end. This mining technique is on par with the rapacious clearcutting and hydraulic mining of earlier times, and should never have reared its head in the 21st century.

Sincerely,

Jim Steitz

Jim Steitz
1505 S. Espina #5
Las Cruces, NM 88001

REC'D DEC 19 2003

December 16, 2003

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch St.
Philadelphia, PA 19103

Dear Mr. John Forren,

I write to express my strongest opposition to the proposed rulemaking to weaken the existing regulations governing mountaintop removal mining. As the name implies, this is an absolutely barbaric practice that has no place in a crowded, ecologically imperiled country with nearly 300 million people. This practice of permitting entire forest ecosystems to be lopped off must be stopped immediately, not be given greater freedom to destroy Appalachia, one of the world's most ecologically rich and diverse ecosystems.

There is absolutely nothing redeeming or even remotely relating to any notion of ecological stewardship in mountaintop removal mining. The land cannot be meaningfully reclaimed, and associated aquatic watersheds are completely buried. This is nothing less than the complete vaporizing of entire geographic regions of fantastically diverse forest habitat. The federal government has no business permitting such an activity, much less the Environmental Protection Agency. Mountaintop removal mining is quite possibly the most destructive single thing that humans have yet figured out how to do to the forests of Appalachia, and if the EPA can allow this activity, it begs the question of why we have an EPA. 1-9

It is even more unconscionable that the EPA would seriously consider weakening the existing protections. I strongly oppose the elimination of the stream buffer zone rule that prohibits mining activity within 100 feet of streams. The enforcement of this rule for valley fills and in all other cases is one of the few mitigations that currently exist against this form of ecological genocide. Going anywhere near this rulemaking flies in the face of voluminous documentation of the impacts that mountaintop removal mining has had upon Appalachian species and ecosystems, especially its world-class aquatic fauna. The ecological costs of this industry are far too high compared to the relatively small value of the coal that is mined out, especially after subtracting the additional environmental and human health costs of coal combustion for electricity. Mountaintop removal mining absolutely must come to a merciful and swift end. We cannot lose any more of Appalachia. 1-10

I urge the EPA in the strongest possible terms to withdraw this proposed rulemaking, and to publish a new proposal for rulemaking to ban mountaintop removal mining entirely. The EPA has no business permitting the single most environmentally destructive land use in the nation.

Sincerely,

Jim Steitz

Judith Stetson
261 Quissett Ave.
Falmouth, MA 02543-1301

Dec. 17, 2003

The season brings
All kinds of things -
A carol sung,
A bell that's rung,
A year that's new,
A wish for you...

REC'D DEC 19 2003

Happy Holidays

Dear Mr. Forren,
EPA's draft EIS on mountaintop removal does NOT protect the streams of Appalachia well enough. Please work to REDUCE the impacts of mountaintop mining.
Thank you, Judith S. Stetson 1-10

REC'D AUG 2 6 2003

Box 493
Ages, KY 40801
August 20, 2003

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, Pa 19103

Dear Mr. Forren;

I am writing to comment on the Environmental Impact report on mountaintop removal coal mining, especially in regard to the recommendations the report contains.

As a resident of Harlan County in southeastern Kentucky for the past 27 years, I am appalled by how these recommendations blatantly ignore the environmental problems that are caused by mountaintop removal mining and valley fills, as documented in the original study. The recommendations overlook strong scientific data showing that leveling mountains and burying streams result in irreversible damage to the environment. 1-9

I am against any regulatory changes that would weaken the laws and regulations that protect clean water, most notably the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. 1-10

I oppose Alternatives 1, 2, and 3 in the EIS report because none of these options protect our precious water. The EIS report ignores the scientific evidence of the damage mountaintop removal mining does, as well as ignoring the public's right to clean water and a healthy environment. 1-5

Sincerely,

Elaine Stoltzfus

REC'D AUG 2 0

Kathryn Allen Stone
26 Birch Tree Lane/Charleston, WV 25314
Tel: (304) 342-1161
E-Mail: palmermethod@aol.com

August 12, 2003

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

I attended the recent Environmental Impact Study evening public forum in Charleston and came away with some compelling information about how mountaintop removal in Appalachia, and specifically in West Virginia, is affecting our state adversely on several levels. Some of these are:

- environmental: wholesale destruction of once-pristine mountain areas with diverse wildlife and flora
- aesthetic: beautiful mountains now looking like moonscapes
- economic: destroyed areas rendered useless for development because of lack of infrastructure, destroyed water sources, etc.; loss of properties and homesteads, made valueless by surrounding destruction
- cultural heritage: decades of closely knit communities unable to continue their way of life, some whose ancestors moved here in the 18th century

1-9

It is incomprehensible to me that a many- year study, costing millions of dollars, can on the one hand implicate mountaintop removal coal mining as extensively destructive and on the other hand recommend that it proceed with all due speed.

It is time that the political powers behind these mindless decisions be challenged by the public which pays an enormous price both in economic and in environmental/cultural terms for coal mining in this state. The coal industry takes all and gives back little. Mountaintop coal mining stands as one of the biggest environmental 'evils' in history.

It is time that we wean ourselves away from this destructive industry, finding alternative means of providing energy. We have the technological know-how to do this. It is a question of whether we have the willpower? Meanwhile, at the very least, we should find ways to mitigate the destruction to our environment.

Thank you.

Kathryn A. Stone

REC'D DEC 24 2003

John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia PA 19103

S.A. Streeter
27235 E. Elk Park Road
Welches, Or. 97067
18 Dec 2003

Dear Sir:

I am concerned about mountain top mining. This form of strip mining has an effect that is degrading to the streams and rivers that our fish live in. Removing the top of a mountain, and then pushing this detritus over to the side can only beget environmental harm, not only for the fish but also for the resident animals. 1-9

I ask you, Mr. Forren, to please not allow this environmental protection to become weakened. 1-10

Thank you for your attention in this matter.

Sincerely,

Sally Streeter

REC'D JAN 23 2004 1-19-04

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

Mr. Forren:

The Environmental Impact Study (EIS) released last May is a well researched document with scientific evidence that clearly shows the devestating and irreversible damage caused every year by mountain top removal. Thousands of miles of streams across central appalachia have already been ruined (buried or contaminated with Selenium which according to the EPA is highly toxic to aquatic life) due to continuous mountaintop removal mining and valley fills. Aquatic life forms downstream of valley fills are being harmed and killed. This kind of research should cause an alarming reaction from anyone who reads it, and they should realize that immediate action must be taken to prevent further destruction to our forests, mountains, streams, and communities. However, to my dismay, I was shocked and appauled that no such action has been taken after this study has been reviewed. The recommendations suggested from the EIS will in no way improve current conditions and work to preserve Appalachia. Instead, 1-9

REC'D JUL 2 4 20

the recommendations will only make it easier for coal companies to mine in areas particularly dangerous for the purity of our streams and water. It makes me very dissapointed that elected officials who are supposed to represent our communities make decisions that will greatly endager the quality of life of those they are representing. There is plenty of evidence which makes for a strong legal case for taking a position that leveling mountains and burying streams is wrong and must stop! As a citizen of Kentucky, I strongly urge you to reevaluate your position to one that protects the land and people of Appalachia. 5-5-2 10-2-2

Joseph Strobel
138 State St
Lexington, Ky
40503

Public Comment on Mountaintop Mining Draft EIS

Dear Mr. Forren,

I do not see how the preferred alternative will minimize the environmental impacts from valley fills. Part of the alternative is for the Corps to do a functional assessment of the stream before it is buried by the valley fill and then make sure that there is a no net loss after mitigation. Well, the Corps functional assessment does not appropriately integrate rare invertebrates (because it takes a highly trained biologist to identify rare invertebrates). If the right things are not identified before the valley fills, how can the mitigation adequately compensate for the loss? 6-4-3

Also, the mitigation does not adequately compensate for the loss of salamanders, and other terrestrial creatures that inhabit the stream valleys. These creatures are lost when valley fills are constructed. 7-1-3

The preferred alternative should be changed to better compensate for the loss of rare invertebrates, salamanders and terrestrial creatures that inhabit the stream valleys. 1-6

Thank you for considering my comment,

Jean Agnus Strong

West Logan, West Virgina

REC'D SEP 0 8 2003

Mr John Forren
U.S.EPA
1650 Arch Street
Philadelphia, Pa.19103

Dear John;
I am opposed to the mountaintop removal and valley fills,the alternatives whithin the EIS reportdo nothing to protect our communities or our water system. 1-9 1-5

May I suggest you read the book SILENT SPRING,this will open your eyes to the danger of changes in the environment that can impact the underground water table,once lost its gone forever.
Currently 1,200 miles of streams have been impacted,selenium is killing aquatic life.
Scientific studies have documented the widespread and irreverable damage the coal industry is doing to our state' 6-1-2
Luckily I have subsidence insurance,there is no insurance for a continued source of clean water.
We look forward for your help in protecting the environment.

Thanks for your consideration;

William D Sullivan
Member of KFTC

Silent Spring.by Rachel Carson
cc; KFTC

Mr John Forren
U.S. EPA
1650 Arch Street
Philadelphia, Pa 19103

REC'D DEC 3 0 2003

John;

I would like to ask you to use your office not to weaken the laws ,and regulations that protect clean water.
I consider the scientific studies that have documented the wide-spred & irreversable damage the coal industry is doing to our state and region. 1-10
The removal of mountaintops ,and the damage done to streams,and wild-life is unacceptable.
Our water resorce should be protected at all costs. 1-9

Respectfully yours

William D Sullivan

---- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:52 PM -----

Jim Sweeney <jpbiod@jorsm.com> 12/23/2003 08:35 PM
To: R3 Mountaintop@EPA
cc:
Subject: MTR/VF EIS

How can the EPA can even consider something as destructive as "mountaintop mining," or whatever warm and fuzzy name you prefer to call it.

You are the Environmental Protection Agency. Show me anything in the EIS on mountaintop mining that has a single, legitimate positive aspect to it.

Completely obliterating entire mountains and valleys destroys habitat and pollutes the air and water all for a product that itself pollutes the air and water.

The EPA should immediately halt this practice and then require the coal companies to reclaim the land they have already mined. Strip mining was thought to be as bad as it gets but this tops even that but now I am asking you to require the coal companies to reclaim the land as they did while strip mining.

Then you can point and push all the concerned towards real conservation measures and new technologies that could eventually halt coal mining and burning completely.

The fact you even consider MTR/VF mining is obscene.

It should not be allowed.

1-9

Jim Sweeney
1773 Selo Dr
Schererville, IN 46375
219-322-7329

"As to dredging the river in Indiana, it will be noticed that God never made a straight river, and I don't think man can improve on his general plans." --Edwin Beardsley

----- Forwarded by David Rider/R3/USEPA/US on 11/20/2003 05:09 PM -----

ctalwalkar@juno.com 11/09/2003 10:49 PM
To: R3 Mountaintop@EPA
cc:
Subject: 3EA30

John Forren
U.S. Environmental Protection Agency (3EA30)
1650 Arch St.
Philadelphia, PA 19103

As a resident of Kentucky and a frequent visitor to parts of Appalachia devastated by coal mining operations and lax regulation, I am writing to express my opposition to the practices of mountain top removal and valley filling.

1-9

I believe that a common sense reading of the Clean Water Act and Surface Mining Laws not only allows but requires the government to prohibit the use of valley fills and mountaintop removal. These practices are immoral and illegal and should be stopped.

I am deeply disappointed and upset that the US EPA's EIS on these practices, released this May after years of delay, rejects specific restrictions on the use of valley fills and offers impacted communities no meaningful consideration or relief. These restrictions could be based on size of valley fills, their cumulative impacts, the types of streams, or the high value of the aquatic resources in the region. Outrageously, the EIS ignores the strong scientific and legal case for stronger protection against coal industry practices.

1-7

I am opposed to any changes that would weaken the laws and regulations that protect clean water. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. This rule should be strictly enforced for valley fills and in all other cases.

1-10

I welcome the scientific studies that document the widespread and irreversible damage the coal industry is doing to our state and region. Kentuckians have experienced these problems for far too long. Mountaintop removal and valley fills bury and destroy important headwater streams, destroy biologically rich forest and stream ecosystems, damage drinking water sources used by millions of people, cause frequent and severe flooding, and wreck the quality of life in mountain communities. It is unfortunate that the US EPA's recommendations did not

1-5

offer Appalachians any meaningful relief from these impacts.

I do not support Alternatives #1, 2 or 3 contained within the EIS report.
None of these options will protect our water. None of these options will
protect our communities. None of these options will shape a better future
for Kentucky or the region. They are a sham and a shame. They do nothing
to address the real problems of our region. Rather, they will only make it easier for the coal industry to seek and obtain permits to continue with the total destruction of our land, water and people.

This report is a shameful, dangerous example of policymaking. It ignores the science and evidence about what mountaintop removal mining is
doing to eastern Kentucky and the Appalachian region. It ignores the public's demand for, and right to clean water, a healthy environment and safe communities. It is a blueprint for the destruction, not the protection, of our homes and environment. The coal industry is crippling Kentucky, and the Bush administration is cheering them on. We deserve better.

As a hiker and admirer of Appalachia's wonders, and as a friend to people
living in the way of sludge, flyrock, floods, and the myriad other ills attendant to the mining industry's practices, I know what is at stake in this debate and how unfairly and poorly the region has been served by the
EIS recommendations. The damage that has been allowed to occur here is immoral. The science and common sense dictate that the US EPA ban mountain top removal and valley fills.

Sincerely,
Chetan Talwalkar
581 Stratford Drive
Lexington, KY 40503

1-5

Chetan Talwalkar
Date: 1/06/2004
City: Lexington State: KY Zip: 40503

I am writing in support of the Citizens Coal Council, Ohio Valley Environmental Coalition, and other organizations opposed to mountaintop removal and valley fills. I oppose any change in the rule protecting stream buffer zones, and am deeply disappointed that the federal government is ignoring its own studies by proposing to reduce protections for people and the environment. Your own data shows that current regulations need to be strengthened, not weakened. I demand a new study that looks at the alternatives to prevent new mountaintop removal and valley fill operations and to stop the existing ones within 5 years or by the expiration of the current mining permit, whichever date occurs first.

1-10

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:52 PM -----

lesley tate <copperiris03@yahoo.com> 01/05/2004 05:33 PM

To: R3 Mountaintop@EPA
cc: copperiris03@yahoo.cpm
Subject: The Abuse of Our Mountains

The total abuse of our mountains is increasing and expanding at a devastating rate. It simply must be stopped. I cannot see power for TVA plants { for a mere nineteen days } to be worth the lost entailed in cross ridge mining this particular mountain nor any other. A loss of many species which rely upon the balance of Zeb mountain's surrounding ecosystem is inevitable. If put upon any moral scale monetary gain should never weigh heavier than the value of life and respect for the earth. Besides the loss of life there are reasons for great concern regarding the well being of the communities near areas where this extraction process is being used, it's a matter of common sense. How can anyone condone the use of mass explosives in any area where people reside, where our children are going to school? Where the quality and safety of stream water, as well as ground water systems are in jeopardy. The air quality from silt and soot, the loss of plant life as a contribution to clean air are to be effected. The draining of this silt into headwaters, filling creeks, and streams. Precautionary measures for this type of impact, instituted by a corporation, are only going to be geared to benefit the company not the preservation of a mountain they would see bulldozed for a dollar. So in my opinion the regulations in the case of this mining practice and others are lax, rushed and hardly focused on the protection due the Appalachian mountains. The people who truly care for the earth and know the beauty of deep ecology, of a never ending bond between all life and the responsibility lying therein, are now called to protect that which should be cherished and not exploited. I was present for the preliminary injunction to cease mountain top removal at Zeb mountain and I walked away feeling robbed. The case presented by the SOCM lawyers was strong and well presented but not dually noted because it would mean the priority of life and nature over capital gain.

1-9

copperiris
katuah ef!

Do you Yahoo!?
Protect your identity with Yahoo! Mail AddressGuard

I AM FOR COAL

I Live in Beckley WV with my wife & 2 children, have worked in WV most of my life, Born & Raised. We must keep COAL JOBS in WV It is hard enough MAKing A living & working with so many OUT of work and competing with people ON A check NOT working. I do not work directly with a COAL company. But I do like working For A living And being a part of WV and its COAL. & Keep JOBS in WV.

11-1-2

253-8213

Wilbur Taylor
Box 188
Piney View WV
25916

Darla A. Tewell
983 Wilba Drive
Westminster, MD 21157

January 15, 2004

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

My parents retired to WV 27 years ago. In these 27 years the small town nearest their home has experienced two "hundred year" floods. Because of the rapacity of the extractive industries that blithely level mountains and forests and bury streams, heavy rains that once would have been absorbed by the forest floor or captured by streams washed into the river. Vacant storefronts and abandoned buildings attest to the economic wallop that the floods delivered. The ruined lives are not so visible. | 17-2-2 | 10-2-2

The mining and logging industries have no moral right to destroy mountains, streams, and forests, leaving the residents of Appalachia with environmental devastation. It is unconscionable for the Bush administration to advocate for the right of coal companies to destroy this region by mining methods that cavalierly disregard the Environmental Impact Statement that warns that the damage from such methods is widespread, devastating, and *permanent*. | 1-9

The EPA is supposed to serve the public interest as guardian of the habitat that sustains human, plant, and animal life. If you fail to reject this proposed rule change, you will be acting not as a guardian, but as an executioner in service of one of humanity's lowest motives, greed. I urge that you take measures to reduce the impact of this type of mining, and as a result, protect communities and their habitat from environmental disaster.

Sincerely,

D. A. Tewell

---- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

"deanthayer@yahoo .com" <deanthayer
01/06/2004 07:09 PM

To: R3 Mountaintop@EPA
cc:
Subject: Please Stop Destructive Mountaintop Removal Mining

Dear Mr. John Forren, Project Manager,

Mountains, mountain streams, and mountain lakes are some of God's most beautiful gifts to humanity. They are not large piles of minerals for us to plunder for short term gain. For thousands of years, man has looked upon them with wonder and amazement. They inspire and amaze us with their majesty. Please do your part to make sure our great-grandchildren do not have God's gifts of natural beauty stolen from them just so that we can keep our parking lots lit up like football stadiums all night. I strongly urge you to amend the EPA's draft environmental impact statement to eliminate mountaintop removal mining. | 1-9

Sincerely,

Dean Thayer
265 W 21st St.
Holland, MI 49423-4746
deanthayer@yahoo.com

Jan. 2, 2004

REC'D JAN 0 5 2004

My Homeplace is Surround by Arch Coal, they Have covered us with Dust, tore up our Roads, cut our trees, Ruined the streams, and made a Diaster out of the Mountains. they are Ruining peoples Lives its a crime what Mountaintop Mining is Doing. they are killing every thing in their Path.
please can it be Stopped.

10-4-2

1-9

Rose Thompson
204 Ruckers St
Madison, WV 25130

U.S. Environmental Protection Agency (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 1 3 2004

Dear Mr. Forren:

I live in eastern Kentucky. In this region we experience the negative impacts of mining every day. Many of us have water wells that have run dry or turned orange or black due to mining. More than 1,200 miles of our headwater streams have been buried or destroyed by valley fills. Almost 7 percent of our forests have been – or will soon be – leveled by mountaintop removal. Flooding in our communities is increasingly common and severe. We fear the day when the sludge ponds above our homes break – as they did in Martin County, KY in 2000 – burying us at the bottom of hundreds of millions of gallons of toxic sludge. Our quality of life has been shattered by excessive blasting that shakes our homes, cracks our foundations, and wrecks our peace.

10-4-2

Some call this area a national sacrifice zone. Living here, it feels more like a war zone.

It doesn't have to be this way. There are laws on the books to protect clean water, public safety and the environment. It is perfectly clear that mountaintop removal and valley fills are a violation of the federal Clean Water Act and the Surface Mining Control and Reclamation Act. These practices should be banned. The coal industry must not be allowed to destroy our homeland.

The draft Environmental Impact Statement on mountaintop removal and valley fills is a dangerous gift from the Bush administration to the coal industry. Instead of recommending ways to *stop* the destruction, the EIS proposes ways to make it easier for coal companies to level our mountains, bury our streams, and wreck our homeland. This is shameful and wrong.

1-9

I know first hand the terrible impacts of mountaintop removal and valley fills. I also believe we can build a better future for eastern Kentucky. We can have clean streams and a healthy forest and restore our quality of life. We can create good jobs for our people that don't wreck the environment. And we have to start down a different road now.

Take a stand. Enforce the law. Ban mountaintop removal and valley fills. Stop the coal industry from destroying everything that we value most. Start making choices that will benefit our children and yours.

Sincerely,

Name Derek Thornsberry

P.O. Box 22
Kite, Ky. 41828

U.S. Environmental Protection Agency (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 13 21

Dear Mr. Forren:

I live in eastern Kentucky. In this region we experience the negative impacts of mining every day. Many of us have water wells that have run dry or turned orange or black due to mining. More than 1,200 miles of our headwater streams have been buried or destroyed by valley fills. Almost 7 percent of our forests have been – or will soon be – leveled by mountaintop removal. Flooding in our communities is increasingly common and severe. We fear the day when the sludge ponds above our homes break – as they did in Martin County, KY in 2000 – burying us at the bottom of hundreds of millions of gallons of toxic sludge. Our quality of life has been shattered by excessive blasting that shakes our homes, cracks our foundations, and wrecks our peace. 10-4-2

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Take a stand. Enforce the law. Ban mountaintop removal and valley fills. Stop the coal industry from destroying everything that we value most. Start making choices that will benefit our children and yours.

Sincerely, ERshel THornSBerry

Name P.O. Box #22 Kite, KY. 41828

Ershel Thornsberry

U.S. Environmental Protection Agency (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 13 2004

Dear Mr. Forren:

I live in eastern Kentucky. In this region we experience the negative impacts of mining every day. Many of us have water wells that have run dry or turned orange or black due to mining. More than 1,200 miles of our headwater streams have been buried or destroyed by valley fills. Almost 7 percent of our forests have been – or will soon be – leveled by mountaintop removal. Flooding in our communities is increasingly common and severe. We fear the day when the sludge ponds above our homes break – as they did in Martin County, KY in 2000 – burying us at the bottom of hundreds of millions of gallons of toxic sludge. Our quality of life has been shattered by excessive blasting that shakes our homes, cracks our foundations, and wrecks our peace. 10-4-2

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Take a stand. Enforce the law. Ban mountaintop removal and valley fills. Stop the coal industry from destroying everything that we value most. Start making choices that will benefit our children and yours.

Sincerely, Mildred Thornsberry

Name

P.O. Box 82
Kite Ky

Barry Tonning
<btonning@bellsouth.net>
To: R3 Mountaintop@EPA
cc:
Subject: comments on draft eis
08/16/03 09:16 AM

Greetings:

I have reviewed the EIS on MTM/VF, and wanted to let you know that I oppose all three of the "alternatives" listed. In fact, I was quite disappointed that the alternatives were so narrowly defined . . . they all seemed only to address how to proceed with permitting MTM/VF, which is apparently in conflict with Clean Water Act prohibitions regarding surface water use protection and antidegradation. 1-5

I do not oppose coal mining. However, I do oppose attempts to allow private business interests to destroy public property without just compensation. Actual stream restoration costs range from $200 - $1,000 and more per Liner foot. The loss of hundreds of miles of publicly owned streams (intermittent and perennial) has not been compensated at anything near this figure, and we are all the poorer for it. 5-7-3

In closing, let me note my puzzlement at the lack of any link between the content of the EIS and the recommendations it contains, as manifested by the three proposed "alternatives." While the studies cited in the EIS Document significant harm to water resources in the MTM/VF region, the recommendations seem to completely ignore any impacts and deal with minor tinkering with the permit rules. The real issues here should be enforcement of stream buffer rules, requirements for appropriate post-mining uses, and protection of water resources. If those issues can be addressed, coal mining will be held in much higher regard. 1-5

Thank you for the opportunity to comment on this important issue.

Barry Tonning
343 North Maysville St.
Mount Sterling KY 40353

----- Forwarded by John Forren/R3/USEPA/US on 12/29/2003 11:20 AM -----

Barry Tonning
<btonning@bellsouth.net>
To: R3 Mountaintop@EPA, John Forren/R3/USEPA/US@EPA
cc: stonehouse131@earthlink.net
Subject: comments on mtr-vf eis
12/29/2003 04:45 AM

Greetings:

I have reviewed the "Mountaintop Mining Environmental Impact Statement,"
and
found it to be deficient in a number of ways.

The report contains and/or references studies that indicate significant harm
from mountaintop removal / valley fill mining, but does not recommend a ban
on this practice as it exists today. This seems rather odd . . . usually,
recommendations are based on study findings.

The EIS also apparently suggests that the 100-ft stream buffer provision
found in the current law be eliminated, but I strongly feel it should be
retained to protect surface water quality and control runoff and flooding. 1-10

I do not support any of the alternatives listed in the EIS, or any other
changes that would weaken the Clean Water Act or other laws that protect
humans and the environment. The filling of streams with rock, soil, debris
and other "overburden" material as a matter of routine mining practice
should be eliminated, since it is not necessary for mining coal. In fact, it
likely is illegal - the courts have said as much in recent years. 1-5 1-8

Please withdraw the EIS, ban stream/valley fill mining practices, and
tighten up the water quality controls on all mining operations.

Thank you for the opportunity to comment. I hope you are enjoying your
end-of-year break.

Barry Tonning
343 North Maysville St.
Mt. Sterling KY 40353

---- Forwarded by David Rider/R3/USEPA/US on 12/18/2003 05:21 PM -----

philiptracy@usa.net To: R3 Mountaintop@EPA
cc:
12/18/2003 02:33 PM Subject: Mountaintop removal coal mining

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

Please work to help the Bush administration consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities. 1-7

Sincerely,

Philip Tracy
1510 19th Ave SE #214
Decatur, Alabama 35601

cc:
Senator Jeff Sessions
Representative Robert Aderholt
Senator Richard Shelby

----- Forwarded by David Rider/R3/USEPA/US on 01/23/2004 09:22 AM -----

Roy E Trent <r_trent@msn.com> To: R3 Mountaintop@EPA
cc:
01/21/2004 07:16 PM Subject: Mountaintop-Removal Coal Mining

<?xml:namespace prefix="v" /><?xml:namespace prefix="o" />
Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

I strongly oppose any change in current environmental protections for mountaintop-removal coal mining. Furthermore, I am against compromising or weakening current regulations in any way. There are compelling reasons that I take this position. 1-10

The Environmental Protection Agency's own draft Environmental Impact Statement points to the widespread and devastating environmental and social consequences associated with mountaintop-removal. I am not at all sure why the administration would go against those findings with the recommendations presented.

The White House Office of Management and Budget issued "The Cost and Benefits of Regulations" report in October 2003. It concludes that environmental regulations are well worth the cost they impose on the industry and consumers because they result in significant health improvements and other benefits to society. They found that enforcing carefully formulated regulations results in huge benefits to industry
and society. In the instance of mountaintop removal, I can not imagine how that would be different. And, I am not sure how any other logical thinking citizen would think differently unless they were motivated by unworthy issues. What could be your issue, or that of EPA's Administrator, Mike Leavitt?

The damages done to the mountains of Appalachia will be permanent and cannot be reversed except by eons of erosion and weathering. Huge resources will be lost, extending from sedimentation of our natural waterways all the way to the oceans and gulf. The potential for long term complications of water pollution, soil erosion, sedimentation of waterways and reservoirs can't even be fully anticipated or projected. On the other hand, there are surprisingly few economic benefits that would result from mountaintop removal. 1-9

The economy of Appalachia depends in large measure on it's sustainable natural resources and the aesthetics of it's mountains for tourism and recreation. Mountaintop removal will certainly add to further impoverishment of that part of society in future generations. I resent 11-7-2

the possibility; I came from Appalachia and still have deep roots attached to the land and people.

This mining procedure is radical and the aftermath is permanent. It seems obvious to me that EPA's recommendation to continue mountaintop removal in any form is counter-indicated. Please do not proceed with this approach. Thank you for listening. Sincerely, Roy Trent

1-9

11725 Waples Mill Rd
Oakton VA 22124
703-620-4634

--- Forwarded by John Forren/R3/USEPA/US on 01/21/2004 11:57 AM -----

Phil Triolo <philt@philt.com> 01/15/2004 11:31 PM
Please respond to philt

To: John Forren/R3/USEPA/US@EPA
cc:
Subject: comment on mountain top mining- another bad idea

Mr. John Forren
U.S. EPA
(3EA30)

Dear Mr. Forren,

I find it incredulous that the environmental protection agency could even consider allowing mining of mountaintops or within 100 feet of streams. The function of the EPA, if I understand its charter, is to protect the environment from wanton destruction such as that created by mountain top mining. Such activity negatively impacts the surrounding valleys and streams, and native wildlife, and threatens the safety of the surrounding water supply.

1-10

Please do not weaken any of the current regulations that restrict mining and particularly mountain top removal. Further, the draft EIS on mountaintop removal needs to be rewritten to limit the size of valley fills that bury streams and foul our precious water supply.

1-7

Further, the draft EIS should uphold and support the current rules that make it illegal for mining activities to disturb areas within 100 feet of streams.

1-10

Thanks for your consideration in protecting the public from the harmful effects of irresponsible mining activities.

Phil Triolo
148 S. 1200 E.
Salt Lake City, UT 84102

++

+++++++

"Twenty years from now you will be more disappointed by the things you
didn't do than by the ones that you did do."
-Mark Twain

Phil Triolo
Phil Triolo and Associates LC
www.philt.com
801 328 1996 phone
801 328 2399 fax

REC'D JAN 0 9 2004

Martha A Turnquist
3985 E Presidio Rd Unit 4
Tucson AZ 85712-1048

Jan 3, 2004

Dear Sir:

I believe the EIS on mountaintop removal fails to adequately address how to drastically reduce the environmental harm from mountain top. 1-5

Please do not weaken protection from mountaintop mining. 1-10

Sincerely,
Martha Turnquist

Supporter
AMERICAN ACTION FUND FOR BLIND CHILDREN AND ADULTS

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:58 PM -----

"ellisa@claritycom.com" <ellisa
01/06/2004 01:30 PM

To: R3 Mountaintop@EPA
cc:
Subject: Please Stop Destructive Mountaintop Removal Mining

Dear Mr. John Forren, Project Manager,

I strongly object to the Bush administration plans to allow coal companies to destroy Appalachia with mining practices that level mountaintops, wipe out forests and bury streams. I urge you to amend the EPA's draft environmental impact statement to include tough restrictions on valley fills that bury streams, tight limits on the number of acres of forest that can be destroyed, effective protections for imperiled wildlife, and safeguards for communities that depend on the region's natural resources for their future. The Bush administration's "preferred alternative" ignores its own studies and proposes weakening environmental protections and allowing accelerated damage. Please amend the draft EIS immediately to limit mining damage and protect our planet for everyone. 1-5

Sincerely,

Ellisa Valoe
20501 S. Tranquility Lane
Oregon City, OR 97045
ellisa@claritycom.com

REC'D DEC 3 1 2003

8/ Brentmoor Terrace
Waterbury, CT 06708-4612
December 27, 2003

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I am writing to you regarding the EPA's "Draft Environmental Impact Statement" (EIS) on mountain top removal.

This draft fails to adequately address how to dramatically reduce the environmental harm from mountain top mining. This type of mining, pushes millions of tons of rubble into surrounding valleys and streams. This practice has already destroyed hundreds of miles of streams.

As a concerned citizen, I am asking you, and the EPA, not to weaken environmental protections for the devastating practice of mountain top mining. 1-10

Yours truly,
Mary C. Vassalls
(Mrs. John A. Vassalls)

----- Forwarded by John Forren/R3/USEPA/US on 01/21/2004 12:21 PM -----

Corey Vernier <csxdash9@hotmail.com> To: John Forren/R3/USEPA/US@EPA
cc:
Subject: Mountain Top Removal Comment
01/21/2004 01:21 AM

Dr. Forren,

I'm pleased to have an opportunity to voice my opinion on the developing situation regarding mountain top removal mining. At first glance, this technique is appalling...both in scope, and in scale. I can understand the economic reasons for resorting to mountain top removal, due to the increasingly scarce nature of Appalachian coal seams, and the growing utilization of low-sulfur content coal from mines in the Great Plains. But a line has to be drawn across the path towards profitability of the mining companies who practice this. Excavating shafts in mountains and open pit mining is one thing...but totally removing a mountain top, or a whole ridgeline, is on a totally different scale of natural destruction.

The placement of removed material in an adjacent valley is equally destructive. For one, its obviously the easiest and cheapest way of dealing with the material. The loose, cohesionless nature of the valley fill lends to a very unstable slope. As the Massey Valley slope failure of 2002 demonstrated, these fills can collapse when exposed to excessive amounts of rainfall, causing damage to houses downstream. The concept of rebuilding ridgelines after the coal has been extracted is totally infeasible, unless extreme care is taken to compact the material in such a way that water seepage doesn't cause the ridge to collapse. The possibility of damage to houses, businesses, and the environment is monumental. 1-9

Just like many other industries that have risen and fallen, I believe that mountain top removal is the last desperate measure of mining in the Appalachians. Allowing an increasingly destructive method used to extract a decreasing amount of coal reveals a lack of common sense in regulating bodies, namely the EPA. Will the Environmental 'Protection' Agency take responsibility for allowing the mining industry to wreck havoc on ridgelines when all the coal is gone and only the spoils are left? That sums up my opinion on mountain top removal: a short-term solution to an inevitable depletion of coal in the area, while totally disregarding the environmental repercussions that may be forced onto the future generations of the region.

Thank you for your time.

Corey Vernier
Raleigh, NC

----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 02:49 PM -----

Richard A Vernier <rsav1@juno.com> 12/29/2003 07:08 PM

To: R3 Mountaintop@EPA
cc:
Subject: DEIS on Mountain Top Mining/Valley Fill in eastern U.S.

December 29, 2003

Mr. John Forren
U.S. EPA (3EA30), 1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

Subject: DEIS on Mountain Top Mining/Valley Fill in Appalachian region of eastern U.S.

Please accept this as my public comment on the subject DEIS. I request that it be re-written and re-issued for public comment after environmental concerns are addressed and environmental alternatives included. Also, such coal mining practices should cease pending the finalization of an EIS.

The DEIS was drafted as part of a settlement agreement over litigation filed by the West Virginia Highlands Conservancy. Environmental alternatives were to be included that would restrict or reduce mountain top mining and valley fill and these were in the original document. However, the environmental alternatives have been removed. This appears to be in violation of the litigation agreement and will probably not survive a court challenge. 1-5

The planned coal mining will cause a projected loss of over 380,000 acres of mostly mature deciduous forestland in Kentucky, West Virginia, Virginia and Tennessee. The projected mountain top removal and valley fill will have serious impact, which the DEIS chooses to ignore or minimize, on a wide array of aquatic and terrestrial organisms. However, I would like to direct my comments specifically to the impact on migratory, mature-forest bird species in the region, including Cerulean Warbler, Louisiana Waterthrush, Worm-eating Warbler, Kentucky Warbler, Wood Thrush, Yellow-throated Vireo and Acadian Flycatcher. (These are just some of the birds affected.) The Cerulean Warbler has been petitioned for listing under the Endangered Species Act and is also on the U.S. FWS National List of Birds of Conservation Concern. This forest-breeding bird prefers ridge tops within large blocks of mature forest and has suffered drastic population declines over the last several decades. The core breeding range coincides very closely with the four-state mountain top mining areas. 7-3-2

We have already lost about 200,000 acres of biologically rich hardwood forest in the Cumberland Plateau in eastern Tennessee, which have been clearcut and replaced by a monoculture of loblolly pine trees. Another 300,000 acres of high-quality forest have been lost to mining in the last ten years. These losses of biodiversity coupled with the proposed loss from future mountain top mining and valley fill will be devastating. The cumulative losses have not been taken into account in the DEIS. The global populations of neotropical migrants are at risk. 7-3-2

Finally, the suggestion that mitigation could take place with reforestation defies logic. First, it would be voluntary and would take years. The draft EIS states that "as post-mined sites will likely lack the requirements of slope, aspect and soil moisture needed for cove-hardwood forest communities, it is unlikely that these particular communities can be re-established through reclamation". 7-3-3

Mining is a short-term benefit to local economies and once the coal is extracted, the industry will leave the region. However, if the scenic vistas and natural heritage of the area are preserved, an economy buoyed by recreation and tourism would provide added value for generations to come.

Sue Vernier
RR 2 Box 350
Princeton, IN 47670
812-385-5058

Date: 01/08/2004 01:37:54 PM

In response to your comment, sent on 1/6/04 0:54

OUR REMARKS TO FORWARDEE ARE AS FOLLOWS:

We are forwarding an inquiry received via the Public-Access e-mail system.
Please respond directly to the original requestor:

eatcake@bellsouth.net
Jeff Waites

Public Access
Headquarters Information Resources Center, operated by ASRC Aerospace Corp.
Ariel Rios Building
1200 Pennsylvania Avenue, N.W. (3404T)
Washington, DC 20460
Fax: (202) 566-0574

REQUESTOR'S ORIGINAL COMMENT WAS AS FOLLOWS:

Please do everything you can to stop the blowing off of mountaintops for
mining purposes; it's long past the time for this practice to be outlawed.
Thank you for your help with this matter. Jeff Waites 675 Interlox Rd.
Irondale, Alabama 35210 205 951 9657 1-9

Item # 2004010352

Name: Jeff Waites
Email: eatcake@bellsouth.net
Phone Number:
Fax Number:
Organization:

---- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

Judith Walker <jgwalker@worldnet.att.net> To: R3 Mountaintop@EPA
cc:
Subject: draft eis comments - Appalachian mountaintops
12/31/2003 12:40 AM

Dear Mr Forren,

As a US voter very concerned about the environment, I urge you to amend this
draft environmental impact statement to better protect the Appalachian mountains from destructive mining practices. Please limit the ability of mining companies to destroy these precious mountains. 1-9

Sincerely,
Judith Walker
630 E. 14 St. #2
New York, NY 10009

6 January, 2004

Mr. John D. Forren, 3EA30
USEPA Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Dear John:

I am attaching my review of the mountaintop removal/valley fill (MTR/VF) draft EIS which is enclosed as an attached document. Reading through the document and comparing the EIS with the technical studies, one gets the impression that rather than the promised goals of enhancing environmental protection resulting from MTR/VF activities were not achieved. The purpose of this EIS, as presently constructed, seems to have the objective of making the permitting of coal mining easier. When I first started with this work in 1999, the mining operations were called MTR/VF. Now in this draft of the EIS they have all been changed to mountaintop mining (MTM/VF), which historically has been the lexicon of the mining companies - not the public, environmental groups or most agencies. Thus, I rest my case as to who influenced what on this draft EIS.

I also have problems with the alternatives chosen in the Executive Summary and in the document. In many instances, several factors pointed out that smaller and restricted size of fills, would result in enhanced public protection, enhanced public safety, and enhanced environmental protection. The alternatives recommended really boiled down to the cheapest method to mine the coal, not long-term questions about the eventual fate of the people or the environment of the region. Thus, I have many problems with this EIS, which I go into in depth in the attached review. These problems are centered about several major points, as follows:

a) The document is full of promises with little or no supporting documentation on or how those promises will be fulfilled - only very vague generalizations.
b) Several of the main chapters in the EIS show lack of scientific knowledge on the part of the writers or inaccurate and misleading statements and/or wording.
c) When mention is made of environmental damage resulting from MTR/VF mining it is done with extremely evasive and ambiguous wording in what appears to be a deliberate attempt to deceive any uninformed reader.
d) The lack of a direct approach, clouds scientific data with ambiguity and is extremely annoying.
e) The Executive Summary, as well as the entire document, ignores many key scientific facts and in fact is often a rehashing of vague promises based on vague generalities in the EIS. The details of how these vague promises of future work (who, how, when, where) are missing in the main EIS.
f) There must be more spelling out of how, who, what, when and where rather than vague generalities and less cross citing of chapters when referring to these indistinct promises.
g) The document is replete with statements about mitigation, without giving any details about who, how, what, and by what processes mitigation is to be assessed. Is there any evidence of any scientific study on any aquatic mitigation performed in conjunction with MTR/VF in the past? If so it needs to presented in this EIS.
h) There are excessive promises of best management practices (BMPs) without giving any evidence of what those are in this EIS. They should be provided here and now - not some vague promises of what will be done.
i) The document is replete with statements such as protecting and maintaining stream functions; yet, not one Federal agency associated with this EIS has ever assessed or proposed to assess stream functions (e.g., nutrient cycling, decomposition, production, etc.) associated with MTR/VF mining to my knowledge.
j) Many times examples are given of assessing stream functions by the COE. if they are referring to the Eastern Kentucky Stream Protocol, then it should be in one of the Appendices of this draft EIS and available for full public scrutiny.

1-5

k) The document is replete with statements such as protecting "high value" aquatic systems; yet, no biological inventory is being required in many if not most cases – so how are they going to recognize a "high value" aquatic system?
l) Several of the technical studies in the EIS point to enhanced environmental protection (cumulative impact on downstream organisms and chemistry) and less human impact (reduced flooding). Less disruption with smaller fills, are not considered as they are not in the best interest of the mining companies.
m) Among the above, selenium concentrations, a bad actor in aquatic ecosystems (see attached review), whose concentrations exceeded EPA safe drinking water standards in 66 cases, and contaminates and bioaccumulates in downstream food chains, is largely ignored. It is incredulous that this is not even mentioned in the Executive Summary!
n) It is painfully obvious that much of the concerns of the EPA's own scientists were largely ignored.
o) It is also clearly evident that the concerns of many citizens living in the MTR/VF study areas have been ignored.
p) In order to achieve a completely balanced approach, it is probably unwise to have those agencies conduct an EIS that are the same agencies subject to initial lawsuits over the MTR/FV issue. Reading through the executive summary and most of the EIS, and comparing it with some of the technical information, it is clear that this report should have been commissioned through independent groups such as a joint study between the National Academy of Science, and the National Academy of Engineering. As such and as it stands now this entire process is seriously flawed.

1-5

4-2

John, finally I must ask that my name not be listed in this document as reviewing this document. As it stands, I would be ashamed for the public, my colleagues and the scientific community in general to think that I offered even tacit approval to this document as it is presently constructed. I trust that you find my attached comments useful toward another draft of this EIS.

Sincerely,

J. Bruce Wallace
Professor of Entomology
and Ecology

Comments on Coal Mining EIS by J. Bruce Wallace with suggestions for improving and making changes.

Executive Summary: This is where I have some of my most serious concerns. After reading this section, I have serious doubts about the whole process of this EIS as presently constructed. In order to achieve a completely balanced approach, it is probably unwise and unjustified to have those agencies conduct an EIS that are the same agencies subject to the initial lawsuits. After reading through the executive summary and comparing it with some of the technical information, it is clear that this report should have been commissioned through an independent group such as a joint study between the National Academy of Science, and the National Academy of Engineering. As the executive summary is presently framed, it is painfully obvious that much of the concerns of the EPA's own scientists were largely ignored. One wonders if the person or persons responsible for this summary even read the scientific studies, the most important of which are buried in a 34cm high stack of appendices. Despite these serious flaws in the entire process of this EIS, my detailed comments are as follows. 4-2

Executive Summary:
In general, scientific data are largely buried or glossed over in the executive summary, which fails to expose the full extent of some of the more serious problems such as the extent of environmental degradation, including long-term problems with water chemistry, aquatic assemblages, as well as lack of potential for forest recovery. These well-documented and serious environmental problems are buried in a stack of appendices that are 34cm in height. A much shorter and more direct summary of these environmental insults should be included in the executive summary and not dismissed with **evasive wording** such as "*questions still remain*", "*appears*", "*continue to evaluate*", etc. Although the word environment in some form is mentioned some 40 times in this executive summary, with wording such as "*minimizing adverse*", "*enhance*", etc., etc., there's really not a lot of solid improvements laid out in this EIS other than vague promises.

Page ES-2, second paragraph – if these measurements of stream miles were made from a USGS topographic map (1:24000) then they represent a large underestimate of the stream miles in the region. For example, Luna Leopold (1994) noted in his book "A View of the River", "blue lines on a map are drawn by nonprofessional, low-salaried personal. In actual fact, they are drawn to fit a rather personalized aesthetic" (Attachment #1). Furthermore, Leopold (1994) gives examples showing that "if actual channels are mapped on the ground {rather than a USGS 1:24,000 map}, a far larger number will be found than those discerned on a published map". One of the items needed for the study area is a much better documentation of stream length in areas that are proposed for mining. **Or, are you referring to the method used in the cumulative impacts study in Appendix I? If so, please read my comments about deleting a certain area, i.e. <30 acres, as having a headwater stream** 5-7-4

see comments below: Appendix I, Cumulative Impact Studies page 24, on about page 76 of this review below.

Page ES-2, third paragraph – Shouldn't you point out that unemployment, poverty, and out migration out of the study area are not only well above the national average, but also above the state average for the mining counties in contrast to the non-mining counties? Somewhere a detailed socioeconomic study should be conducted by an independent outside group appointed by the National Academy of Sciences that considers both long-term and short-term effects of mining activities on communities. 10-1-4

Page ES-3, under technical studies, note these sentences in third paragraph down – "As a result, natural succession by trees and woody plants on reclaimed mined land (with intended post-mining land uses other than forest) was slowed. Better reclamation techniques for growing trees on mined lands now exist and are being promoted." First, this gives the misleading interpretation that forests are returning. Read section III.B-17 "Planting trees on mined land" makes it quite clear that this is not occurring. (Note page 12 in Handel's Report Appendix E – "*We are yet to see evidence that the original community has or will return to these seriously degraded landscapes.*" Note also the problems mentioned in the following paragraphs of Handel's report). The EPA should promote a long-term recovery study to get some idea on any potential forest recovery under different conditions. Some of the initial phases could be done by sampling valley fills of different ages. 7-5-4

Page ES-3, second bullet "*More species of interior forest songbirds occur in forest unaffected by mining than forest edge adjacent to reclaimed mined land.Grassland bird species are more predominant on reclaimed mines. Similarly,amphibians (salamanders) dominate unaffected forest, whereas reptiles (snakes)occupy the reclaimed mined lands. Small mammals and raptors appear to inhabit both habitats.*"This wording is indirect and somewhat "**evasive wording**" compared to more direct statements on III.F-7. Should read: "There are fewer species of forest songbirds on mined areas compared to un-mined areas and grassland birds replace forest species. Most amphibians (primarily salamanders) are replaced by reptiles (snakes) on mined lands. Small mammals and raptors apparently inhabit both forest and mined areas, but the overall affect of mining on these two groups has not been adequately assessed. " 7-3-4

Page ES-3, bottom of page, again, see Leopold statement above – 1200 miles represent an underestimate and as I recall these estimates were made several years ago from blue lines on USGS topographic maps which fail to show most first order streams (1999 I think). Furthermore, note the diverse aquatic assemblages in streams destined for burial, although such streams generally do not appear on USGS topographic maps in "A Survey of Eight Major Aquatic Insect Orders Associated with Small Headwater Streams Subject to Valley Fills from Mountaintop Mining" in Appendix D, Part 2. Thus we are losing valuable aquatic habitats that are not even being considered in the above estimates of stream loss. 6-4-4

Top of page ES-4. Again, as noted above, it should be clearly stated these are large underestimates and many miles of streams are being lost with valuable aquatic assemblages that are not being considered in these estimates. 5-7-4

Page ES-4, second bullet, again no mention is made of the diverse aquatic fauna associated with the smallest of these headwater streams, i.e., as pointed out in "A Survey of Eight Major Aquatic Insect Orders Associated with Small Headwater Streams Subject to Valley Fills from Mountaintop Mining" in Appendix D, Part 2. 6-4-4

Page ES-4, third bullet, I agree that the Chemistry Technical Study is not put together very well, (see comments on that section below). **But it is not accurate to say, that mined areas are characterized by an increase in minerals – there is a very large increase in ions, which leads to ridiculously high conductivity, as well as severe water quality problems. The US EPA's water quality studies found stream water chemistry parameters below valley fills were elevated for a number of parameters compared to streams draining un-minded areas. For example the <u>ratio of filled / un-mined sites</u>:** Sulfate = 41x greater; Calcium, Magnesium, total hardness = >21x greater; Total dissolved solids = >16 x greater; Conductivity, alkalinity, Potassium = 5-9x greater; **Selenium** = 7.8x greater and had a median value of 11.5 μg/L below fills. The US EPA's on safe drinking water standards are only 5 μg/L and – 66 violations (in excess of safe drinking water levels) of Selenium were found. Note that these ratios are based on median values, and many values are much worse than I have presented here. **Why is no mention of these very severe problems, as well as the potential long-term effects on downstream water supplies?** Our potable water supplies have the potential to be harmed many years into the future because of large increases in concentrations of several chemicals as recently found by the US EPA below valley fills. Surely, this deserves, adequate treatment in the executive summary. This is potentially extremely harmful to the health of both humans and animals in both the short-term and long-term. 5-5-4

Page ES-4, third bullet, ditto above comments, the comments about macroinvertebrates are in accurate and unclearly presented It is stated much more clearly by the EPA Report from Cincinnati (by Fulk et al.). "*The consistently higher stream biological integrity scores, as measured by the WV stream condition index, showed that streams below filled sites have lower biotic integrity than sites without valley fills. Furthermore, streams below fills had fewer taxa, which was primarily attributed to reductions in pollution sensitive taxa. Although it is clear that streams below fills have reduced biological integrity, some questions remain about how these impacts vary with time, additional fills, or influence the genetic diversity of animal populations. Only one basin, Twentymile Creek, contained sites where seasonal values (autumn) for biological integrity were good and these collections were associated with a severe drought.*" 9-3-4

Page ES-4 "*Streams in watersheds below valley fills tend to have greater base flow. These flows are more persistent than comparable unmined watersheds.Streams with fills are generally less prone to higher runoff than unmined areas during most low-frequency storm events; however, this phenomenon appears to reverse itself during larger rainfall events.*" 5-4-4

This should be restated more directly, as follows: "Streams draining valley fills tend to have greater and more persistent base flow due to the lower evapotranspiration from deforested regions. During small storms streams draining valley fills usually have less runoff than those draining unmined areas. However, the available evidence suggest that streams draining valley fills have greater runoff than those of unmined areas during large storms."

ES – several locations – Flooding is inadequately discussed in the EIS Executive Summary: and it should be included following as a reason to limit size of fills: "*These results indicate the largest drainage area (Hobet Westridge Valley Fill) with the highest percentage area disturbed had the greatest increase in peak flow from pre-mining conditions. The results also indicate that the smallest drainage area (Samples Valley Fill #2) with the smallest percentage area disturbed had the lowest increase in peak flow." (Section III.G-4).* **Is public safety not a concern? If public safety is a concern, why was it ignored under the proposed alternatives? This should also be considered under cumulative impacts.**

ES – and energy needs the paragraphs on page IV.A-5 provides some information about importance of coal to energy needs, based on those paragraphs I gather: So the loss of these reserves would not have an immediate, irreversible effect on energy production because sufficient reserves exist elsewhere? Why isn't this in the executive summary? At least mention what the coal reserves are in other regions compared to Appalachian reserves within the MTR/VF area. 17-1-4

There is a much more serious matter relating to hydrology that is not mentioned in the executive summary. Note in Appendix H (flooding studies), Under Exec. Summary Comparison of stream characteristics in small gaged, unmined and valley-filled catchments.....on page 3, that runoff is 1.75 X greater per unit surface area from mined than unmined catchments. **This difference should be noted under any mention of hydrology in the executive summary. Furthermore, this means that downstream areas are going to experience increased downstream loading of elevated chemicals mentioned in the above paragraph. This needs to be mentioned in the executive summary.**

Page ES-4, "*Wetlands are, at times inadvertently and other times intentionally, created by mining via erosion and sediment control structures. These wetlands provide some aquatic functions, but are generally not of high quality.*" Wetlands are such a small amount of this entire subject matter, and play such a minor role, why are they even 5-3-4

mentioned here in lieu of all of the other important aspects that are not even discussed?

Page ES 4, "*The extraction of coal reserves in the study area could be substantially impacted if fills are restricted to small watersheds. The severity of impact to coal recovery correlates with the magnitude of the fill limitations and site-specific and operational factors.*" Why not rephrase as follows to state exactly what you intend to say rather than use the evasive wording: "**In spite of increased environmental protection obtained from small fills, we think it is more important to mine coal and ignore any environmental impact**". 11-8-4

Furthermore, **Why is the following conclusion which show the degree of impact on size of fills (Yuill's study Appendix G) ignored?** "*The various levels of constraints for potential future mining do strongly impact the proximity of rural residents to potential mining areas with the unconstrained and slight constraints scenarios impacting almost double of number of populated areas than the most constrained scenario.*" 10-2-4

Page ES-4, under actions and alternatives, "*The objective of the coordinated program improvements considered is to integrate application of the CWA and SMCRA to enhance environmental protection associated with MTM/VF operations* **(Really? The message one gets from reading most of this document is to make permitting easier, without any evidence of enhanced environmental protection).** *The CWA/SMCRA program improvements envisioned include more detailed mine planning and reclamation; clear and common regulatory definitions; development of impact thresholds where feasible; guidance on best management practices;* **{BMPs are mentioned many times in this EIS, without any supporting development of BMP policies}** *comprehensive baseline data collection; careful predictive impact and alternative analyses, including avoidance and minimization; and appropriate mitigation to offset unavoidable aquatic impacts.* **{Again, appropriate mitigation is mentioned multiple times in this EIS, without ever mentioning who evaluates, how mitigation is evaluated, etc.}** *The EPA, COE, and OSM propose to promulgate regulations and develop policies or guidance as necessary to establish an integrated surface coal mining regulatory program to minimize environmental impacts from MTM/VF.*" **{But, this is the EIS, why are promises still being made after over 3 years without any clear-cut examples? Please cite pages and examples where these appear.}** 5-8-4

ES-6, under "*Under Action Alternative 1, COE would require mitigation of unavoidable aquatic impacts either through on-site replacement of aquatic functions or by in-kind, off-site watershed improvement projects within the cumulative impact area.* **{ditto numerous questions about mitigation below and above. Furthermore, the COE Protocol for Eastern Kentucky does not measure any stream functions whatsoever, and it is erroneous to pretend it measures stream functions. A formal review of this protocol will follow with a week.}** *The COE would be the lead agency for ESA consultation on aquatic resources* **{This should be either the EPA or FWS, not the COE}.** *and the SMCRA agencies would coordinate with FWS on aquatic and terrestrial species would defer to, or condition decisions on attaining, the requisite CWA Section 404 approval.*
would consider rulemaking so that the stream buffer zone would be inapplicable to excess spoil disposal in waters of the U.S. would finalize excess spoil provisions to include minimization and alternative analysis more consistent with those under the CWA. Cross-program actions include rulemaking; continued research on MTM/VF impacts, improved data collection, sharing, and analysis; development of Best Management Practices (BMP) **{again, development of BMPs are promised many times in this EIS without any evidence to support BMPs.}** *and Advance Identification (ADID) evaluations; and agency coordination memorialized by such mechanisms as Memoranda of Agreement to further minimize the adverse effects on aquatic and terrestrial resources and protect the public* **{Specifically, how are these promises going to minimize adverse effects on aquatic and terrestrial resources and protect the public? Other than vague promises here and there in this EIS, no concrete evidence is provided. If they are provided cite chapter and page.}**. 14-2-4

ES-6, under Action Alternative 2 (preferred) "*OSM would apply functional stream assessments to determine onsite mitigation.*" **{See above comments concerning functional assessment as none of these agencies have ever addressed stream functions in the MTR/VF area, or have experience in doing so. Furthermore, the eastern KY stream protocol is not a functional assessment.}** *The COE would make case-by-case decisions as to NWP or IP processing.* **{Based on what? Who decides? What proportion of NWP vs IP do you envision, spell it out without vague wording.}** *Mitigation of unavoidable aquatic impacts would be required to the appropriate level.* **{See comments throughout these cases relating to mitigation, who decides, who evaluates, and how are they evaluated – spell it out without vague promises.}** *These actions would serve to further minimize the adverse effects on aquatic and terrestrial resources and protect the public.* **{Ditto above comments about this same statement.} My review of the Eastern Kentucky Stream Protocol will be sent within the next week.**

ES-6, Action Alternative 3, **ditto same comments as made for action alternative 1 and 2, above.**

ES-7, bullets, "*As described in more detail in the Draft EIS, the Federal and/or state agencies cooperatively would:*"

• develop guidance,policies,or institute rulemaking for consistent definitions of stream characteristics, as well as field methods for delineating those characteristics. **(Where are these described in this EIS? I cannot find them in the 34 cm stack of materials? If they are present cite the location and page)**
•continue to evaluate the effects of mountaintop mining on stream chemistry and biology.
{Ditto, this is not described in this EIS, how, who, when and where?}
• continue to work with states to further refine the uniform, science-based protocols for assessing ecological function, making permit decisions and establishing mitigation requirements. **{There is no protocol for assessing stream function described in this EIS! Surely, you are not referring to the E. KY Stream Protocol? No function is being measured in that protocol. You can not come up with a protocol for assessing stream function, this has to be done by direct measurements and I am unaware of any direct measurement of stream ecosystem functions done in association with this EIS. Throughout this document, if the E. KY Stream Assessment Protocol is being referred to as assessing stream functions, then it must be included as part of this EIS.} Ditto, previous remarks that my review of the Eastern Kentucky Stream Protocol will be sent within the next week.**

14-1-4

• continue to assess aquatic ecosystem restoration and mitigation methods for mined lands and promote demonstration sites. **{Continue to assess? This implies some assessment has been made to date? Where is such an assessment in this EIS?}**
• incorporate mitigation/compensation monitoring plans into SMCRA/NPDES permit inspection schedules and coordinate SMCRA and CWA requirements to establish financial liability (e.g. ,bonding sureties) to ensure that reclamation and compensatory mitigation projects are completed successfully. **{Who will do this, how will they do it and when will they do it? Why has it not been done in the past? Can you cite one example where a mitigation project has been assessed in any detail?}**
• work with interested stakeholders to develop a best management practices (BMPs) manual for restoration/replacement of aquatic resources. **{Ditto, comments above and below about BMPs – this EIS is replete with statements such as this without giving any concrete examples or evidence.}**
• evaluate and coordinate current programs for controlling fugitive dust and blasting fumes from mountaintop MTM/VF operations, and develop BMPs and/or additional regulatory controls to minimize adverse effects, as appropriate. **{Who, how, and when and ditto comments about BMPs.}**
• develop guidelines for calculating peak discharges for design precipitation events and evaluating flooding risk. In addition, the guidelines would recommend engineering techniques useful in minimizing the risk of flooding. **{Who will do this? Surely USGS? I cannot find examples in the 34 cm stack of documents, you should clearly cite where each of these promises are developed in this EIS.}**

14-2-4

• based on the outcome of ongoing informal consultation, identify and implement program changes, as necessary and appropriate, to ensure that MTM/VF is carried out in full compliance with the Endangered Species Act. **{Whoa, where in this EIS are any procedures for compliance with the Endangered Species Act required, since in most cases no biological inventory is required?**
• in Alternatives 1 and 2, EPA and the COE would consider designating areas generally unsuitable for fill, referred to as Advanced Identification of Disposal Sites (ADID). **{Again if no biological inventory is required how would any ADID be indentified?}**
•in Alternatives 2 and 3,the agencies would develop a joint MTM/VF application form.

8-1-4

ES-7 & 8, "The COE would:"
• continue to refine and calibrate the stream assessment protocol for each COE District where MTM/VF operations are conducted to assess stream conditions and to determine mitigation requirements as part of the permitting process. **{ditto comments above and below about the stream assessment as well as mitigation.}**
• compile data collected through application of the assessment protocol along with PHC, CHIA, antidegradation, NPDES, TMDLs, mitigation projects, and other information into a GIS database. **{What purpose would these data serve other than being compiled, i.e. what action will be taken?}**
• use these data to evaluate whether programmatic "bright-line " thresholds, rather than case-by-case minimal individual and cumulative impact determinations, are feasible for CWA Section 404 MTM/VF permits. **{We went through this "bright-line" threshold before, see the headwater stream study, Stout et al., Appendix D, which clearly shows viable multiyear aquatic taxa in extremely small headwater streams that do not even appear on USGS topographic maps.}**
" The OSM and/or the state SMCRA regulatory authorities would:"
• continue rule making to clarify the stream buffer zone rule and require fill minimization and alternatives analysis. **{Give an example of how you propose to clarify the buffer zone rule and where, i.e., chapter or appendix it appears in this EIS?}**
• in conjunction with the PHC, CHIA, and hydrologic reclamation plan, apply the COE stream assessment protocol to consider the required level of onsite mitigation for MTM/VF. **{What hydrologic reclamation plan? Where does it appear in this EIS, and ditto numerous comments about mitigation above and below.}**
• develop guidelines identifying state-of-the-science BMPs for selecting appropriate growth media, reclamation techniques, revegetation species, and success measurement techniques for accomplishing post-mining land uses involving trees. **{This is also mentioned on IV.C-1, but where are examples of the**

14-2-4

promised guidelines? Since this is the EIS, these guidelines should be evident.}

The EPA would:
• develop and propose, as appropriate, criteria for additional chemicals or other parameters (e.g.,biological indicators) that would support a modification of existing state water quality standards. **{I agree with this especially selenium, conductivity and include tests of bioaccumulation of selenium in food chains.}** 5-5-4

The FWS would:
• continue to work with Federal and state SMCRA and fish and wildlife agencies to implement the 1996 Biological Opinion and streamline the coordination process. **{What is the 1996 Biological Opinion and how are they supposed to streamline the process? Don't you mean really do a rush job within a short time frame?}**
• work with agencies to develop species-specific measures to minimize incidental takes of T&E species. **{Shouldn't the word be avoid rather than minimize?}** 8-1-4

ES-8 last paragraph, "*These changes include, but are not limited to: finalization of rule-making by EPA and the COE to define "fill " material* **{Doesn't this need to be revised based on December 2003 decisions?}**; *reauthorization by the COE of NWP 21, requiring case-by-case evaluations* **{This is an important point, but inside the main EIS I could find no hint as to how the case by case evaluations will work, where is this spelled out in this document }***and compensatory mitigation* **{Here, we go again, who, how and where with regard to mitigation, evaluations, methods, etc. are simply not developed in this EIS and they should be.}**; *increased focus on enhanced baseline data collection and monitoring of biological and chemical aspects of aquatic resources by the agencies;* **{Again, sounds good but not developed in the EIS, where is this spelled out other than promises?}** implementation of state policies regarding approximate original contour that maximizes backfill and minimizes excess spoil; development of stream delineation policy, **{Who, how and when for stream delineation? If this is the EIS, one would think this would be described in this document.}** commercial forestry regulations, surface water runoff analysis and blasting... promotion of reforestation by OSM and the states;and development of a post mining land use policy by OSM." **{Since these practices have been going on for well over a decade why has this not been done previously?}** 12-2-4

ES-9, top paragraph, "*...resource agencies, and coal market influences, there has been a reduction in the size and number of valley fills that have been permitted annually since the initiation of this EIS in 1998."* **Doesn't this statement need to be rewritten? According to "Coal Age Magazine" in July 2003, there were increased permits (4,400 acres) following the overturn of Judge Haden's decision. What sizes of fills are they permitting in KY?** 13-1-4 13-2-4

ES-9, second paragraph, "*Alternative 1,2 and 3 build upon existing "best science " methods for characterizing aquatic resources.* **{Specifically, where are these best science methods described in this EIS? Please provide chapters and pages.}** *The goal is to bring stakeholders, as well as state and Federal agencies, together to establish common criteria and science-based methods for determining baselines, impacts, and mitigation requirements."* **{Specifically where are these described in this EIS, they should be plainly stated as to approaches and what is proposed within this document. Please do so.}** 6-6-4

ES-9, third paragraph, *"Better stream protection from direct and indirect effects would result from improved characterization of aquatic resources;..."* **{How is the characterization of aquatic resources going to improve stream protection? This statement is followed by evasive wording such as can be, may, and may reduce, which do not really do much to support how the process of "characterization" is going to improve the protection.}**

ES-9, fourth paragraph, "*...COE functional stream assessment protocol.."* **{Again, this protocol does not assess stream function, and no where in this MTR/VF process is there any evidence that any government agency has measured a functional process occurring in these streams.}** *"Section 404 permits would identify high-functioning streams...."* **{Ditto, how are you going to measure a "high-functioning" stream when no functions have ever been measured? Nor, are functions measured in your E. KY stream protocol. See below for a list of some stream functions. By the way, what is a high-functioning stream and how do you distinguish it from a low-functioning stream based on true measures of ecosystem function?} Ditto my previous remarks a review of this E. KY Stream Protocol will be sent within the next week.** 14-1-4

ES-10, second paragraph, "*Enhanced assessments would reduce the cumulative adverse impacts of MTM/VF through more environmentally-protective designs* **{Explain how assessments will be enhanced, cite chapter and pages here. Also, how will the act of "enhanced assessment" alone improve more protective designs?}**; *enhanced compensatory mitigation that emphasizes onsite reclamation and restoration of degraded streams within a watershed* **{ditto, numerous comments above and especially below about the extensive use of mitigation without concrete examples contained in this EIS.}**; *identifying and developing best management practices for restoring aquatic functions impacted by mining;* **{ditto, comments above and below about the replete use of** 9-3-4

BMPs in this EIS, without any supporting data} *and inclusion of improved techniques to grow trees and more quickly restore mined land to better terrestrial habitat* **{see comments about this below}**. *Agencies would continue to identify better practices to reduce fugitive dust and fumes from mining, and thus, reduce impacts to adjacent communities. Flooding would be reduced by improved mining design, flood analysis, and, in the longer term, restoring the post mining land use to trees."* **{I agree, if forests can be restored this would reduce flooding, but the EIS fails to give examples of restored forests on valley fills to date.}**

19-2-4

ES-10, third paragraph from top of page, "*The Memorandum of Agreement (MOA) and Field Operating Procedures (FOP) proposed by the action alternatives should improve consistency, permit coordination, and reduce the processing time with a logical, concurrent process."* **{This seems to imply the objective of the EIS is not enhanced environmental protection.}**

ES-11, "*process would also facilitate selection, implementation and monitoring of mitigation projects* **{Again, the entire process of mitigation, who, how and when analyzed is simply not developed in this EIS and it should be in this document. If it is and I missed it please cite chapter and pages here.}** *The coordinated process and actions that make up the action alternatives could minimize adverse environmental effects by enhancing the following:*
•identification of the environmental resources; **{Where is this developed in the EIS? Chapter and page numbers please.}**
•prediction of environmental impacts; **{Ditto comments above about Chapter and page numbers.}**
•avoidance of special/high-value environmental resources; **{It is unclear how this will be done as in most cases there is no biological inventory required. Please Explain?}**
• development of operation plans that mitigate (i.e.avoid,minimize,avoid,and compensate)adverse environmental impacts; **{Ditto, this EIS is replete with mitigation without ever developing: how, when, who, and methods used to evaluate mitigation.}**
•consideration of the least damaging practicable alternative in fill placement; **{Consideration, or <u>implementation</u> of the least damaging ? There is a difference.}**

12-2-4

•minimization of excess spoil material; **{Minimization of excess spoil, how and where is this described in the EIS, Chapter and page numbers please.}**
•consideration of adverse cumulative environmental effects; **{Where are these considered? Some of those for stream invertebrates were treated as "additive" and not cumulative (Appendix D, EPA Cincinnati Lab Statistical Study).}**

12-1-4

• coordination of data sharing and analyses among key regulatory agencies to provide more informed decisions under the respective programs; **{Please cite Chapter and page numbers where this is clearly spelled out in the EIS.}**

12-2-4

• technology transfer to identify the best practices reclamation techniques available to avoid or minimize adverse environmental impacts **{Please cite Chapter and page numbers where this is clearly spelled out in the EIS.};**
and,
•communication among stakeholders and regulators. **{Ditto above comments, chapter and page numbers please.}**

19-3-4

As an added commentary, in the Executive Summary, I found many grandiose statements that were apparently being addressed in this EIS, but when I tried to track down the details, I could not find them in the 34 cm high stack of documents. In some cases I found serious omissions or misstatements that did not agree with the technical studies.

Comments on Main EIS
I-2 (Spelling of United under purpose of EIS)

I-3, top paragraph, *"Coal mining activities involve temporarily or permanently diverting waters of the U.S. into engineered channels for various reasons, including mining coal beneath streams."* **From the sites I have seen most changes consist of permanently burying headwater streams; few sites are only temporarily diverted.**

I-3, *"The agencies assumed, for the purposes of this Draft EIS, that impacts in the study area would probably be at least as significant as impacts in other areas, and that the measures to address these impacts for the study area would be adequate for other areas as well. Following the conclusion of the NEPA process for the issues addressed, the need for additional evaluation would be assessed relative to other coal mining activities affecting jurisdictional streams."* **This is inconsistent with some of the assumptions from the USGS hydrologic technical studies, where you dismissed some of the results as being "atypical" from an isolated watershed.**

I-3 *"The EIS considers information on the following: the cumulative environmental impacts of mountaintop mining;* **(I really did not see where this was done, in fact, when biological data from the EPA statistical study showed evidence of cumulative impacts, the scientists were told to change it to additive.)** *the efficacy of stream restoration* **(and, the failure to demonstrate any successful examples);** *the viability of reclaimed streams compared to natural waters* **(In our study of aquatic enhancement we did not see one example of a restored stream, this is implying something that is incorrect.)** *; the impact that mining and associated fills have on aquatic life, wildlife and nearby residents; biological and habitat analyses that should be done before mining begins; practicable alternatives for in-stream placement of excess overburden; measures to minimize stream filling to the maximum extent practicable; and the effectiveness of mitigation and reclamation measures."* **(Whoa, I raise this question several times below. When has mitigation ever been evaluated, by who, when, how and where?)**

9-3-4

14-2-4

I-4, *"OSM has not viewed, applied, or enforced the stream buffer zone (SBZ) regulation to prohibit mining activities within the buffer zone, if those activities would have less than a significant effect on the overall chemistry and biology of streams, i.e., the overall watershed or stream below the activity."* **Well since stream chemistry and biological conditions have never been effectively evaluated until now how did OSM make their prior judgments? Especially in view of the chemical results and overall stream biology statistical analysis conducted by the Cincinnati EPA Lab.**

5-8-4

I-5, last paragraph, I recommend that you give acreage of the fills, total amount of forest lands effected, and miles of stream buried here, you should also mention that these stream distances, if from the USFWS were taken from USGS topographic maps which greatly underestimate the number and length of headwater streams (see below as well).

I-6, *"Also in 1997, EPA, COE, OSM, and FWS began meeting to discuss MTM/VF through an EPA Region III forum called the Federal Regulatory Operations Group. In November 1998, the agencies signed a "Statement of Mutual Intent," agreeing to study the impacts from and regulatory controls on MTM/VF. This evaluation plan stated the following: ....* **Again, ditto some of my earlier comments, I think this process suffers because it was done by Agencies within the Federal Government that had vested interests (litigation, etc) rather than by an independent outside group from the National Academy of Sciences and/or Engineering.**

Starting on page II.C-31 and much of the following page of Alternatives: **Much of this starting on the above page and continuing through the remainder of the 11C section of the main document seems to be filler, which provide minimal information to the main document. For example, much of this is devoted to rehashing existing laws and regulations, which have largely not been enforced (and they could be put in appendices); or, filled with contradicting, and/or erroneous statements, as well as ambiguous wording.** For example, on page 11.C-37 below Stream Impairment: Paragraph one, *"have the potential to influence"*, under the second paragraph *"may result in stream impairment downstream"*, under paragraph 3 aquatic communities downstream of fills *"may be impaired"*, under paragraph 4, certain chemical parameters *"are sometimes elevated"*, under the last paragraph *"Some macroinvertebrate communities change"*..... **such wording - these are "evasive words" The scientific evidence buried in the appendices is clear; the language used is obfuscatory and inaccurate.**

5-8-4

By the way, in section II.C, the **"evasive-word", "potential" is used 48 times.**

Page II.C-38 to II.C -42. Why are all these regulations put into the main EIS, surely if anything goes to an appendix, much of this could.

II. C-42 – **Stream-biomonitoring seems to missing from executive summary and many of the alternatives don't appear to require biomonitoring for all sites. The same could be said of the second paragraph here as well.**

6-4-3

II.C-43. Again, **under 404 permits it is painfully obvious that biological monitoring may not be required. In most cases it the latter. Furthermore, any time one sees the statement on individual case basis where aquatic life impacts are concerned, the question must be asked: If no monitoring is required, how can you have any idea on what valuable aquatic life may or may not be present?**

Also for individual states such as WV, does the USEPA have any requirement on how any biological monitoring records are delivered to the WVDEP or maintained following their submission? As I recall from earlier conversations this is unclear, and those data are often not well maintained. Who analyzes these data? It seems as if one requirement should be to have those data be submitted electronically as well as a hard copy. If the submission forms were in a standardized format it would be a valuable record for long-term analyses. Furthermore, if those data were required and maintained, then much of the present situation would not even be occurring.

6-4-3

II.C-43 through 44. It is difficult to believe that this entire section on chemical measurements was written without singling out **Selenium,** which was clearly in excess of the EPA's safe drinking water standards on some 66 occasions.
C-11.C-44. Under Action 5: Again, see comments above for page 43 concerning **biological monitoring data. We already know there are going to be impacts, so exactly how is such data going to be used to avoid or mitigate such impacts? Who makes these determinations and actually analyzes these data? This needs to be more specific.**

5-5-3

II.C-44. Under Action 6: Who makes the determinations outlined under the bulleted portions of Action 6? See note below concerning the failure of any of the Federal Agencies to measure what are stream functions. Likewise although they may promote it as such the same goes for the COE functional assessment.

II.C-49 through 56. **These pages are replete with stream functions and assessing loss of stream functions. Here are some stream functions as would be covered in an ecological context:** 1) nutrient cycling (or spiraling) in streams (includes uptake and release and processes such as denitrification and nitrification); 2) transport and retention (particles, etc); 3) decomposition such as detritus processing; 4) organic matter dynamics (input, storage, retention, export); and, 5) Respiration, etc. **However, during my years associated with reviewing material for this EIS, I cannot ever recall such a function being measured in association with mining by any government agency. So what is really being evaluated here? If some of the agencies involved with assessing functions such as those being mentioned above it would be great and add greatly to our knowledge of and any degradation resulting from mining or any improvements from mitigation.**

14-1-4

II.C-56 through 57. **Section under SMCRA has some statements that simply seem contradictory from one paragraph to the next. For example at the bottom of 56 the statement is made that no specific biological monitoring is required under SMCRA and proposes that the COE sometimes requires the COE "functional" stream assessments (although no functions are being measured). Since these are usually at the family level, or at best generic level, there is really not a biological inventory. Yet, in the paragraph at the top of page 57 states that "SMCRA regulations specifically provide details for identification and protection of unusually high value fish, wildlife, and related resources." Here's my question: Without having some detailed prior knowledge of the biota, how do the regulators propose to be able to assess whether the habitat is of unusually high value? In this case the cart seems to be ahead of the horse.**

14-1-4

II.C-62-63. Under Cumulative Impacts. **I disagree that this EIS actually evaluated cumulative effects of MTM/VF over time. It has evaluated several individual components but not cumulative effects over time. There is in Appendix G (as I recall) as section on cumulative impacts, which is ok, but far from being a cumulative impact study with hard data.** As I stated in the introduction, this report should have been commissioned through independent groups such as a joint study between the National Academy of Science, and the National Academy of Engineering to assure that the assessment was being made by independent groups rather that the same government agencies that are under litigation.

9-5-4

II.C-62-63. Under Cumulative Impacts, second paragraph: "*This estimate does not include any reforestation efforts following mining and timbering.*" **This seems to apply that a significant amount of reforestation is occurring. Handel's report in Appendix E, illustrates this is not occurring.**

19-2-4

Also II.C-62-63. Under Cumulative Impacts, second paragraph "*Absolute limitations on valley fill size would result in: 1) reserves typically accessible by larger mining equipment becoming unminable; 2) more rapid depletion of reserves minable by smaller equipment spreads; 3) increased competitive pressure on central Appalachian coal from Powder River Basin, natural gas, or other imported/domestic coal sources; and 4) resultant increases in mining costs, drops in mining and related employment, decreases in severance taxes, etc. [Appendix G]*". **Well, what environmental economics, such as natural resource regeneration (a healthy and renewable forest), ecosystem services (nutrient uptake and release, impact on runoff and water quality to downstream areas were considered). How about long-term economics of region when a healthy, livable environment is destroyed, populations migrate, etc. Why aren't these part of your economic analyses? Every item above is centered around one thing: mining coal at the cheapest**

11-9-4

price: This really boils down to short-term economic gain for long-term environmental degradation. However, the question should not be "How can we extract coal resources with the minimum expense and maximum short-term profit for the mining companies?" but rather "How can we extract coal resources in a wise manner, which ensures long-term environmental integrity, productive forests, unburied and unpolluted streams, and long-term productive economies for our children and grandchildren?" **Compare the statements in this section with the overall purpose of the EIS on page I-2. This only adds to my opinion that this EIS should have been done by either a committee appointed by the Nat. Acad. Sci. and/or Nat. Acad. Engr.**

11-9-4

II.D-2. There are some real twisted and skewed perspectives contained in this section. Quote page 2, " *From a ecological standpoint, however, some stream segments in the upper reaches of watersheds can be important aquatic habitats. Restricting fills to the uppermost stream segments does not recognize the importance of some upper stream segments as ecologically established aquatic habitats. Because existing data do not establish a scientific basis for categorically limiting fills to specific stream segments, this EIS proposes to continue individual, site-specific data collection and study to evaluate the ecological importance of upper stream reaches.*" **This statement is twisted jargon. Interpretation: Since streams exist that are undocumented on USGS Topographic maps, which can have a diverse fauna and be important ecological habitats, then it is ok to bury more of them by increasing the size of fills. By many accounts presented in this EIS, it is erroneous to conclude any consideration is being given to the ecological importance of headwater streams as suggested in the statement at the end of this paragraph.**

5-7-4

II.D-3, first 4 paragraphs. This reads as if restricting fills to 150 to 250 acres did not show as a significant economic impact on coal reserves, as restricting fills to less than 75 acres. However this idea was rejected because we only collected the data from West Virginia and it may not be representative. **What kind of skewed logic is this? Finally, what is meant by the following statement, which says environmental studies did not provide a suitable basis for determining the indirect effect from valley fills could not be differentiated from other disturbances. This is untrue because: 1) Stream chemistry for several substances including Selenium, conductivity, etc. is highly elevated below fills. 2) The EPA study (Falk et al. Appendix D part 2) and statistical analyses of benthic data do show impacts as noted by the following statement:** *"The consistently higher WVSCI scores and the Total Taxa in the Unmined sites relative to Filled sites across six seasons showed that Filled sites have lower biotic integrity than sites without VFs. Furthermore, reduced taxa richness in Filled sites is primarily the result of fewer pollution-sensitive EPT taxa."* **There is direct evidence of significant impact of fills on biota, chemistry, and hydrology.**

5-7-4

II.D-3, third paragraph *"This set of alternatives was rejected, in part, because the stream segment information was only collected in West Virginia on a limited number of tributaries and may not be representative nor statistically valid basis for a watershed size surrogate."* **Yet, under section III. D-6 and 7, chemical comparisons are made outside the MTR/VF region in WV as well as results from an Ohio study.....is this selective inclusion and exclusion or what?**

II.D-6, top paragraph, **Again what functional measurements has the COE ever made of ecosystem properties or stream functions as it relates to this EIS or coal mining? None to my knowledge – see earlier comments concerning function.**

9-3-2

II.D-6 **Under cumulative impact restrictions – to my knowledge only one study collected sufficient data to compare cumulative impacts, some benthic studies, otherwise what cumulative impacts have been investigated? Are you referring to those in Appendix I? These were more or less descriptive things concerning amount of impacts, etc., with little actual measurement of impacts. Again, the Falk et. al. study does indicate some cumulative downstream impacts on biota and I quote from USEPA Statistical Analyses of Data (Falk et al. Appendix D part 2) as follows:** *"Examination of the Additive sites from the mainstem of Twentymile Creek indicated that impacts to the benthic macroinvertebrate communities increased across seasons and upstream to downstream of Twentymile Creek. In the first sampling season one metric,Total Taxa, was negatively correlated with distance along the mainstem. The number of metrics showing a relationship with cumulative river mile increased across seasons, with four of the six metrics having significant correlations in the final sampling season, Winter 2001. Also in Winter of 2001,a regression of the WVSCI versus cumulative river kilometer estimates a decrease of approximately one point in the WVSCI for each river kilometer. Season and cumulative river kilometer in this dataset may be surrogates for increased mining activity in the watershed."* The word additive seems weird this is cumulative and not additive – simply jargon as worded. Now that I read the material under cumulative impacts, I understand the motive but not the logic behind the requested changes.

Cumulative impacts are discussed to a degree in Index I: however, other than the benthic studies above, not investigated. So how could the existing data show cumulative impacts if the prerequisite studies were not done?

12-2-4

II.D-8 – **The top paragraph at the top of the page concerning dismissed alternatives reads like gibberish and the explanation makes no sense. Please reconstruct in plain uncomplicated English what you are trying to say.**

5-5-1

II.D-9-**The central paragraph, quoted below, is a gross misrepresentation of the available data from the technical studies done in this study.**

"The chemical and biological studies conducted for this EIS and the statistical analyses of those studies document that streams with both valley fills and residences in their watersheds appeared to be impacted more than streams with only valley fills and no residences in their watersheds. Biological conditions in the streams with only valley fills represented a gradient of conditions from poor to very good; streams with valley fills and residences were most impacted. Impacts could include several stressors, such as valley fills, residences, and/or roads. Therefore, a causal relationship between the impacts and particular stressors could not be established with the available data. Further, the EIS studies did not conclude that impacts documented below MTM/VF operations cause or contribute to significant degradation of waters of the U.S.[40 CFR 230.10(c)]."

1) **How can you justify the above paragraph in view of the findings of greatly elevated chemistry, including 66 violations of selenium concentrations? One of the ongoing problems with the chemical studies is that they haven't done statistical analysis as such.**

2) **How can you justify the above paragraph in view of the analyses of benthic data from all sources carried out by the USEPA Statistical Analyses of Data (Falk et al. Appendix D part 2) and directly quoted in the paragraphs below?**

"In general,statistical differences between the Unmined and Filled EIS classes corresponded to ecological differences between classes based on mean WVSCI scores. Unmined sites scored "very good " in all seasons except autumn 1999 when the condition was scored as "good ". The conditions at Filled sites ranged from "fair " to "good". However, Filled sites that scored "good " on average only represented conditions in the Twentymile Creek watershed in two seasons (i.e., autumn 2000 and winter 2001).These sites are not representative of the entire MTM/VF study area. On average,Filled sites had lower WVSCI scores than Unmined sites."

5-5-1

"The consistently higher WVSCI scores and the Total Taxa in the Unmined sites relative to Filled sites across six seasons showed that Filled sites have lower biotic integrity than sites without VFs. Furthermore, reduced taxa richness in Filled sites is primarily the result of fewer pollution-sensitive EPT taxa. The lack of significant differences between these two EIS classes in autumn 1999 appears to be due to the effects of greatly reduced flow in Unmined sites during a severe drought. Continued sampling at Unmined and Filled sites would improve the understanding of whether MTM/VF activities are associated with seasonal variation in benthic macroinvertebrate metrics and base-flow hydrology."

"Examination of the Additive sites from the mainstem of Twentymile Creek indicated that impacts to the benthic macroinvertebrate communities increased across seasons and upstream to downstream of Twentymile Creek. In the first sampling season one metric, Total Taxa, was negatively correlated with distance along the mainstem. The number of metrics showing a relationship with cumulative river mile increased across seasons, with four of the six metrics having significant correlations in the final sampling season, Winter 2001. Also in Winter of 2001,a regression of the WVSCI versus cumulative river kilometer estimates a decrease of approximately one point in the WVSCI for each river kilometer. Season and cumulative river kilometer in this dataset may be surrogates for increased mining activity in the watershed." **A causal relationship between MTR/VF is certainly strongly suggested.**

III.C-1 Stream Classification: A measure of first order streams from a 1:100,000 scale map seems ridiculous – Luna Leopold in his book, **A View of the River**, points out that at even 1:24,000 scale topographic map greatly underestimates the number of first order streams, most of which do not appear on a map. **Headwater streams are often inadequately mapped. First order streams make up 48% of the total river miles in the United States (Leopold 1964). However, maps of basin networks are usually drawn at a scale of 1:24,000 or larger, which excludes the smallest streams (Leopold 1994). Using the Coweeta Creek basin as an example, over 98% of the total stream length is unaccounted for on 1:500,000 scale maps (Table 1). Many of the smallest streams do not appear on 1:7,200 scale maps.** It is ironic that over 190 papers have been published based on work completed in Coweeta headwater streams that do not exist according to U.S.G.S. maps (Meyer and Wallace 2001). For the Chattooga River watershed in the Blue Ridge Mountains of Georgia, North Carolina, and South Carolina, only 50% and 75% of perennial streams were shown on 1:100,000 and 1:24,000 scale maps, respectively (Hansen 2001). Almost none of the intermittent and ephemeral streams in the Chattooga basin were drawn on either map. The USEPA should conduct some ground measurements of some of these headwaters in the MTR/VF area and compare these with topographic maps. Without this information, accurate assessment of miles of stream impacted are not possible

5-7-5

III.C-2. 11th line from bottom of page – recommend deleting *stagnant* as these streams are rarely "*stagnant*".

III.C-6. Last line of page – **delete balanced energy transport. This is not what the Vannote et al. the paper is about.**

III.C-12, Biological components by processing course particulate organic matter to more easily transported FPOM serve to primarily increase downstream fine organic matter transport (not sediment *per se*). Ditto comments in ecosystem enhancement proceedings.

5-6-4

III.C-13, Lentic Non-flowing Aquatic Systems. Although there is no good distinction between lakes and ponds there certainly is a distinction between Lakes and Ponds versus Impoundments (created by dams on streams). On page III.C-14, second paragraph, at top of page they seemed to be used interchangeably.

III.C-19, **last bullet, It should be emphasized**: 1) that historically ponds were exceptionally rare in the central Appalachians; 2) ponds created on mine sites provide

unusual or rare habitats that may have been missing before mining activities; 3) thus we do not know how indicative they are of disturbed versus undisturbed conditions. 5-6-4

III.C-20, **last statement, needs to be qualified, because I also said that creating wetlands does not replace the value of streams before mining. (See the proceedings of Aquatic Ecosystem Enhancement Symposium, Appendix D, page 19).**

III.D-1 to 2. **Again, this is somewhat misleading when the miles of streams buried are discussed.** For example the statement "*Other uncertainties relating to the accuracy of this estimate are presented in study. Only blueline streams from USGS topographic maps were included in this evaluation. This study did not evaluate miles of stream filled that were not marked as blueline streams, nor was an estimate made for the number of miles of streams mined through.*" **This gives a misleading representation because of the diverse aquatic assemblages in streams destined for burial, although such streams generally do not appear on USGS topographic maps in "A Survey of Eight Major Aquatic Insect Orders Associated with Small Headwater Streams Subject to Valley Fills from Mountaintop Mining" in Appendix D, Part 2. And as explained above, bluelines on USGS topographic maps greatly underestimate miles of streams buried. This is not addressed until the bottom of III.D-3.** 5-7-4

III.D-2. second paragraph from bottom of page "*viable aquatic communities that could be*" should be changed to read "**viable aquatic communities are lost" because all benthic data suggest loss of aquatic communities.** 6-1-4

III.D-4. under b.3. "*It has not been determined if drainage structures associated with mining can provide some benefits (i.e.; increased flows at toe of fills, retaining drainage structures) that could offset aquatic impacts.*" **Explain, what kind of benefits that such as structure could offset in lieu of the massive chemical changes as well as loss of stream habitat?**

III.D-5, Top of page. "*The extent to which energy loss may be offset by input from reclamation of the mine site and adjacent undisturbed areas is unknown. Impacts that this type of net energy "change" would have on the downstream aquatic environment is uncertain and requires further investigation.*" **This is like saying that burying the stream and putting a sediment pond at the base of the fill that's ruining downstream chemistry, may not be a bad thing. This is flawed logic.** 5-5-4

III.D-5, under d, c, and f. **All of these paragraphs are worded to imply impacts have not been clearly demonstrated. This is not accurate.** (d) Valley fill do impact (*not have the potential to*) a variety of water quality parameters; (c)Valley fills do alter flow regimes (*not have the potential to*); and, (f) Mining and associated valley fills do alter (*not have the potential to*) stream chemistry. **These should be far more direct statements than currently drafted.**

III.D- entire section –**The "evasive word: potential" occurs 36 times in this chapter alone.**

III.D-6 f.1. Under studies addressing chemistry why is no larger issue made of Selenium anywhere in this report?
Selenium: is an essential nutrient at low levels of exposure. This inorganic chemical is found naturally in food and soils and is used in electronics, photocopy operations, the manufacture of glass, chemicals, drugs, and as a fungicide and a feed additive. In humans, exposure to high levels of selenium over a long period of time has resulted in a number of adverse health effects, including a loss of feeling and control in the arms and legs. EPA has set the drinking water standard for selenium at 5 ug/L (versus 11.7 observed below valley fills, Table 1) to protect against the risk of these adverse health effects. Drinking water that meets the EPA standard is associated with little to none of this risk and is considered safe with respect to selenium. (However, see following paragraph.) **The selenium data indicate numerous violations of the West Virginia stream water quality criterion related to MTM/VF mining. During the EPA study of water quality in 1999 to 2001 there were 66 violations of the stream criterion exceeding Selenium water standards. All values above the stream criterion of 5 ug/L were at valley fill sites and many of those are several times greater than the detection limit of 3 ug/L.** The elevated values of selenium appear to be closely related to MTM/VF mining activity. 5-5-5

Selenium is essential for life in very small amounts but is highly toxic in slightly greater amounts (Lemly 1996, page 427). In 1987, the EPA lowered the recommended stream water quality criterion for selenium to 5 ug/L to protect aquatic life. West Virginia has adopted that same limit as their stream criterion. Selenium is strongly bioaccumulated in aquatic habitats (Lemly 1996, page 435). "**Waterborne concentrations in the low-ug/l range can bioaccumulate in the food-chain and result in an elevated dietary selenium intake and the reproductive failure of adult fish with little or no additional symptoms of selenium poisoning in the entire aquatic system. .... The most widespread human-caused sources of selenium mobilization and introduction into aquatic ecosystems in the U.S. today are the extraction and utilization of coal for generation of electric power and the irrigation of high-selenium soils for agricultural production**" (Lemly 1996, page 437). However, Hamilton and Lemly (1999) have suggested that many effects on biota are documented for selenium levels of 5 ug/L and the more appropriate level should be a water quality criterion of 2 ug/L. Furthermore, Lemly (1999) has suggested that a selenium time

bomb is in the making as a result of substantial impacts on fish populations. The effects of selenium on fish populations include the following from Lemly (2002):

- Swelling of gill lamellae
- Elevated lymphocytes
- Reduced hemoglobin (anemia)
- Eye cataracts as well as exopthalmus (popeye)
- Pathological effects on liver
- Reproductive failure
- Spinal deformities

The West Virginia Geologic and Economic Survey has information on selenium posted on their website (http;//www.wvgs.wvnet.edu/www/datastat/te/SeHome.htm). It notes:

"Selenium occurs in coal primarily within host minerals, most within commonly occurring pyrite..... An unpublished study at WVGES using SEM found selenium ... in 12 of 24 coal samples studied, mainly in the upper Kanawha Formation coals. .... Selenium in West Virginia coals averaged 4.20 ppm..... Coals containing the highest selenium contents are in a region of south central WV where Allegheny and upper Kanawha coals containing the most selenium are mined.... Selenium is not an environmental problem in moist regions like the Eastern U.S. where concentrations average 0.2 ppm in normal soils."

Summarizing this information, we see that in the region of MTM/VF mining, the coals can contain an average of 4 ppm of selenium, normal soils can average 0.2 ppm, and the allowable limits in the streams are 5 ug/L (0.005 ppm). Disturbing coal and soils during MTM/VF mining could be expected to result in violations of the stream limit for selenium.

A fairly comprehensive review of Selenium is given in the Federal Register of 6 March, 2002 (Vol. 67, No. 44 pages 10101 -10113). Some notes made from this document are as follows:

- "The EPA's standard to protect aquatic species is 5 µg / Liter but is being reevaluated as a standard of only 2 µg / Liter is being applied to protect wetland grasslands in the San Joaquin Valley, CA (note 5 µg/L versus over 11 µg/L was the median value below valley fills in WV.
- Selenium is taken up by vegetation.
- Selenium is toxic to small mammals as longevity has been reduced on diets with only µg/g in diets of rats, deleterious effects to the hair, nails, live, blood, heart, nervous system, and reproduction have been documented.
- There is evidence that animals such as insects, that feed on plants absorbing selenium from the environment, accumulate selenium in their bodies and this is biomagnified by larger animals such as shrews, which feed on these insects, have even higher levels of selenium.

5-5-5

- The potential of additional exposure to selenium of beef cattle, dairy cattle, swine and poultry wastes production is apparently increasing.
- Relatively small amounts of selenium have been shown to bioaccumulate in the eggs of waterfowl and resulted in egg deformities."

Hamilton, S. J. and A. D. Lemly. 1999. Water-sediment controversy in setting environmental standards for selenium. Ecotoxicology and Environmental Safety 44: 227-235.

Lemly, A. D. 2002. Symptoms and implications of selenium toxicity in fish: the Belews Lake case example. Aquatic Toxicology 57: 39-49.

Lemly, A. D. 1999. Selenium impacts on fish: an insidious time bomb. Human and Ecological Risk Assessment 5: 1139-1151.

III.D-6 f.1. Again, it should be stressed under water chemistry that downstream loading of chemicals could be increased much more than indicated by the chemical concentrations because there is greater runoff and discharge per unit land area below valley fills. Note in Appendix H (flooding studies) that runoff is 1.75 X greater per unit surface area from mined than un-mined catchments. This difference should be noted both here and under any mention of hydrology in the executive summary.

III.D-7 Again, f.2. Summary and Conclusions : "*In summary, mining and valley filling activity appear to be associated*" .....(change "appear to be" **to are**) **Again, weak evasive words**. Furthermore, the following statement gives the wrong impression..."*The majority of these constituents may also increase in many other types of large scale earth moving activities.*" **True, but nothing else in the entire country compares or even approaches MTR/VF. The following paper should be included in several locations in this EIS because no other human activity in the US contributes to such large scale earth moving activities, see the following reference:**

5-5-5

Hooke, R. L. 1999. Spatial distribution of human geomorphic activity in the United States: Comparison with rivers. Earth Surface Processes and Landforms 24: 687-692.

He singles out the MTR/VF in WV and adjacent states as being by far the most prolific factor contributing to elevated earth moving activity in the US. This reference needs to be read and incorporated into this EIS.

III.D-7 Again, f.2. Summary and Conclusions, paragraph 2,..... "*most of the filled sites indicates a potential* (**potential is far too weak for a problem this serious, see**

notes on selenium above) *for impacts to the aquatic environment and possibly to higher order organisms that feed on aquatic organisms".* **Impacts are likely.**

III.D-7, last paragraph under f.2. "*While changes in water chemistry downstream from mined, filled sites have been identified* (**far too weak change to exist**), *it is not known if these changes are resulting in alterations to the downstream aquatic communities* (**this is a false statement - look at the EPA study Falk et al. Appendix D part 2, where all benthic data were analyzed**) *or whether functions performed by the areas downstream areas from mined, filled sites are being impaired* **(What is the meaning of this – if the chemistry is impaired, benthic communities impaired, ecological functions are also likely to be impacted).** *Questions exist as to how the downstream chemistry is affected by factors such as time, method of mining, reclamation practices and size of operation. Further evaluation of stream chemistry and further investigation into the linkage between stream chemistry and stream biotic community structure and function are needed to address the existing data gaps.* **(These two sentences imply more uncertainty in the analyses than is warranted.)**

5-5-4

III.D-6 and 7, **chemical comparisons are made outside the MTR/VF region in WV as well as results from an Ohio study. Yet under II.D-3, third paragraph** "*This set of alternatives was rejected, in part, because the stream segment information was only collected in West Virginia on a limited number of tributaries and may not be representative nor statistically valid basis for a watershed size surrogate.*" **See earlier remarks about selective inclusion and exclusion.**

III.D-7, under g. "*Valley fills have the potential to alter geomorphological*" **(Again, evasive wording, change to Available evidence suggest that Valley fills alter geomorphological.....)**

III.D-8, **again page is replete with ambiguous and evasive wording such as potential to impact, potential impacts, etc. Furthermore, last paragraph under g (downstream sediment from previous page), What functions have ever been measured associated with MTR/VF mining?**

5-6-4

III.D-9, under h1. Well, I am glad the Trough Fork Study was actually mentioned in this EIS. Several years ago I commented on "A History of the Benthic Macroinvertebrate and Water Chemistry Studies of two Long-term Monitoring Stations on Trough Fork" Conducted for Pen Coal by R.E.I. Consultants, report dated 20 June 2000. However, why was this study not included in the EIS? Although, I had some comments concerning the interpretation of the data, this was far, the best long-term study documenting continuous stream impairment of invertebrate populations following initiation of upstream MTR/VF mining. **In fact, below I request that this study is added to the final EIS. The last paragraph of this section is simply an attempt to cover up an interesting long-term data set.**

III.D-9, under h2. Yes, ditto comments above, but put it in layman's language, that long-term biological monitoring indicates increasingly impaired biological conditions below valley fills. **Again, the last paragraph, III.D-10, is partially true, it does represent a good example of long-term studies, but the first part is an attempt to reduce the impact of that statement.**

5-6-4

III.D-10 &11, under h3. "*While this report did not focus on valley fills, potential impacts from valley fills to stream chemistry and possible alterations to stream geomorphology were discussed as areas in need of further investigation.*" **This is true for the USGS report, which was primarily in non-MTR/VF mining areas. However, why hasn't the USEPA considered doing a similar study, perhaps in conjunction with the USGS in the MTR/VF area? Such a study seems long overdue.**

III.D-11, under h4. This section needs to be re-written and updated using the report from the EPA Laboratory in Cincinnati (Falk et al. Appendix D part 2) and also noting that the summer and fall of 1999 represented a record drought for the region.

9-3-4

III.D-12, under h4, at top of page - "*Characterize conditions and describe any cumulative impacts that can be detected in streams downstream of multiple fills. Owing to conditions encounter no definitive conclusions were reached regarding this second objective.*" **This statement is not correct**. Again, this study does indicate some cumulative downstream impacts on biota and I quote from USEPA Statistical Analyses of Data (Falk et al. Appendix D part 2) as follows: "*Examination of the Additive sites from the mainstem of Twentymile Creek indicated that impacts to the benthic macroinvertebrate communities increased across seasons and upstream to downstream of Twentymile Creek. In the first sampling season one metric,Total Taxa, was negatively correlated with distance along the mainstem. The number of metrics showing a relationship with cumulative river mile increased across seasons, with four of the six metrics having significant correlations in the final sampling season, Winter 2001. Also in Winter of 2001,a regression of the WVSCI versus cumulative river kilometer estimates a decrease of approximately one point in the WVSCI for each river kilometer. Season and cumulative river kilometer in this dataset may be surrogates for increased mining activity in the watershed.*" **Again, while it is stated as "additive", it is really "cumulative" effects we are discussing So "additive" should not be used here. Again the reason is pretty evident, but let's call it what it is. The statement on page III.D-12 does not agree with best available data.**

III.D-12, **Much of this page is misleading and inconsistent with the EPA's Findings Presented in the Biological Statistical Analysis USEPA Statistical Analyses of Data (Falk et al. Appendix D part 2)**

"*Biological conditions in the mined sites generally represented very good conditions, although a few sites did score in the good and poor range.* **(The previous statement does not make it clear that "mined sites are sites that had mining, but no MTR/VF, and that for some seasons there were too few samples to perform statistical analyses [Falk et al. Appendix D part 2])** *One site that scored in the poor range was believed to be naturally flow-limited even during periods of normal flow. The authors believed this site was ephemeral and only flowed in response to precipitation events and snow melt. The other mined sites generally had only a small amount of mining activity in their watersheds.* **(Again, make it clear that mined does not mean MTR/VF).** *Biological conditions in the filled sites generally represented a gradient of conditions from poor to very good. One site scored in the very poor range in the spring of 2000. Over the five seasons, filled sites scored in the fair range more than half of the time. However, over a third of the time, filled sites scored in the good or very good range over the five seasons.* **(Again, some clarification is required as: USEPA Statistical Analyses of Data, Falk et al. Appendix D part 2 and directly quoted in the paragraphs below? "In general, statistical differences between the Unmined and Filled EIS classes corresponded to ecological differences between classes based on mean WVSCI scores. Unmined sites scored "very good " in all seasons except autumn 1999 when the condition was scored as "good ". The conditions at Filled sites ranged from "fair " to "good". However,Filled sites that scored "good " on average only represented conditions in the Twentymile Creek watershed in two seasons [i.e.,autumn 2000 and winter 2001]. These sites are not representative of the entire MTM/VF study area. On average,Filled sites had lower WVSCI scores than unmined sites." See Figures 5-1 and 5-2 in Appendix D, part 2)** *The authors believe water quality explains the wide gradient in biological condition at the filled sites. The filled sites that scored in the good and very good range were found to have better water quality, as indicated by lower median conductivity at these sites. The filled sites that scored in the fair, poor and very poor ranges had degraded water quality, as indicated by elevated median conductivity at these sites.* **(Again, this needs to be updated based on the statistical analyses of all data as conducted by the Cincinnati Laboratory, Falk et al. Appendix D part 2)**

"*Biological conditions in the filled/residential sites (filled sites that also have residences in their watersheds) represented a gradient of conditions from poor to fair. Over the five seasons, filled/residential sites scored in the poor range more than half of the time. The remainder of the filled/residential sites scored in the fair range. No sites in the filled/residential class scored in the good or very good range. All sites in the filled/residential class had elevated median conductivities.*" Falk, et al. Appendix D, Part 2)

9-3-4

III.D-13, second paragraph down, "*Biological conditions in the filled and filled/residential classes were substantially different from conditions in the unmined class and were impaired relative to conditions in the unmined class, based on the WV SCI scores.*" **Suggested change to "Based on WV SCI scores, biological conditions in the filled and filled/residential classes were impaired compared to unmined or reference conditions."**

III.D-13, "*Correlations in this study between the benthic metrics and selected physical and chemical variables indicated that the strongest and most significant associations were between biological condition and conductivity.*" Suggest changing to read, " **There was a strong negative correlation between biological condition and conductivity. As conductivity increased, as found below valley fills, biological condition of streams deteriorated.**"

III.D-14, Again, at top of page and elsewhere this needs to be updated based on Cincinnati Laboratory's Statistical Analyses of all the biological data.

III.D-15, at top of page "*It is particularly noteworthy that none of the macroinvertebrate samples in 1987 or 1999 showed any significant numbers or kinds of mayflies. This absence of mayflies has also been observed in recent surveys by the USEPA 2002 study in West Virginia in mining areas with acceptable pH's, but with high conductivities. (USDOI 2000)"* **Suggest changing to "None of the macroinvertebrate samples in 1987 or 1999 contained significant numbers or taxa of mayflies. The absence of mayflies below valley fills has been noted in both WV and Kentucky EPA studies.**

9-3-4

III.D-16 & 17, "*This study did not address whether there are environmental benefits of sustained flows from filled watersheds when compared to no-flow conditions in some unmined reference streams.* **(Ridiculous statement, as consideration needs to be made that the higher flows, or great runoff from valley fills, combined with higher concentrations of many chemicals is only going to serve to increase downstream loading of chemicals).** *It is possible that the altered flow regimes found downstream from valley fills (USGS 2001) may affect fish habitat for parts of the year in those cases where fish habitat had been previously limited due to seasonally dry conditions.* **(How? By increased downstream loading of harmful chemicals and elevated conductivity?)** *It is also possible that potential benefits from increased flows downstream of mountaintop mining/valley fill operations are offset* **(meaning = negated?)** *by changes in water quality. For example, fish collected from one lake downstream of an extensive mining complex in West Virginia were found to contain selenium concentrations much higher than would be expected to occur naturally, indicating that the selenium associated with mining operations occurs in a form that is*

biologically available for uptake into the food chain (U.S. FWS, unpublished) **(What about the potential harmful effects of humans eating these fish? See my earlier comments on selenium, above.)**

III.D-17 under a. "*Where mining and filling activities have impacted streams compensatory mitigation may be used to replace lost habitat and functions.*"**What functions (see above concerning functions) have actually ever been measured under any mitigation received from mining companies?**

III.D-17 under b. Again, **What functions (see above concerning functions) have actually ever been measured under any mitigation received from mining companies? Without measuring any functions, what has been mitigated? The measurement(s) associated with change in ecosystem-level functions before and following mitigation is something that certainly deserves funding in order to assess the actual value of any mitigation.** 9-3-3

III.D-18 and 19, under d. last full paragraph on 18 relating increased discharge below valley fills to greater habitat for fish during drier seasons...."*It is possible that the elevated flow regimes found downstream from valley fills (USGS 2001) may have created additional fish habitat for parts of the year where previously fish habitat had been limited owing to seasonally dry conditions. It is not known if this increase in stream length used by fish would be equated to greater fish product or simply represents an increase in area where fish are found.*" **Since chemicals are elevated below valley fills this means that downstream loading of toxic chemicals is only going be higher below valley fills, which may more than offset any small benefit derived from increase flow, after all fish are highly mobile organisms.** 5-5-4

III.D-19. Last paragraph of d. "*Creation of other ponds and wetland resources on mined land has shown more promise. Wallace (EPA 2000) suggested that these types of systems can be important sites of nutrient storage and uptake provided that a sufficiently vegetated littoral zone is present.*" This sounds as if I was optimistic about the prospects without noting that I also said **"Wetlands observed during the mine site visits were not linked to the downstream watersheds- again, not that they do not have value but they do not replace the pre-mining streams." (Appendix D, part 1). As presented, this is a misrepresentation of what was said (as so many other things in this EIS).** 14-2-4

III.D-19, under e.1. second paragraph under onsite – **these studies did not address function.**

III.D-20 & 21, under e.1. still – **a lot of lip-service is given to function here without actually having any functions measured to date as far as I know.**

III.E-1 through 14. **This is fine as it relates to acid mine drainage, but what about selenium concentrations? Selenium may be worst of any of these chemicals on food chains and humans who depend on downstream potable water supplies. No mention of it is in this section?** 5-5-4

III.F-7, **and back to executive summary, again executive summary is "evasive wording" compared to statement about birds on bottom of this page.**

III.F-8, second paragraph "*Some argue that mountaintop mining has the potential to negatively impact many forest songbirds, in particular neotropical migrants, through direct loss and fragmentation of mature forest habitats.*" 7-3-4
Again, attempt to minimize the data of Wood and Edwards clearly show an effect. Also, their data show this effect, not "suggest" it.

III.F-9, *Amphibian and reptile species richness and abundance does* [do?] *not differ between grassland, shrub/pole, fragmented forest, and intact forest habitats from mountaintop mine sites in southern West Virginia (Wood and Edwards,2001) [see Appendix E for details]. Salamanders appear to be less common in the grasslands of reclaimed mountaintop mining sites than in the nearby forests (Wood and Edwards,2001).* **Please explain this contradictory statement since salamanders are amphibians. Also same paragraph should be Burton and Likens 1975 not Burton and Lykens. This citation is missing in references.** 7-1-4

III.F-10&11. **Surely, in addition to mentioning 5% you should also mention that the disturbed acreage exceeds 380 square miles on this page where you mention the 5% value.** 7-5-4

III.F-11 "*The above findings provide evidence that mountaintop mining practices provide favorable conditions for some species. However, these advantages may not surpass* **(again evasive wording and an attempt to minimize the impacts shown)** *the disadvantages these practices have on the sustainability of plants and wildlife in the region.*" Should read **"This is not necessarily advantageous because of the displacement of original species from the area." The only reason these habitats are favorable is because they have changed the habitat and essentially opened it up to exotics or species with a much wider distribution range (see Cindy Tibbott) than was there originally.** 7-6-4

III. F-12 **if you are going to mention the history of exploitation in the region, especially by logging surely you need to site the following book: Clarkson, R. B. 1964. Tumult on the Mountains: Logging in West Virginia – 1770-1920. McClain Printing Company, Parsons, West Virginia. 410p.**

III.F-12, According to the study cited by **Yuill, 2001 page 10**, the 244,664 acres **relates to extent of past mining disturbances (Table 4, Appendix G) and does not necessarily include all current permitted mining (Table 5, Appendix G) 247,364 acres in the MTR/VF area, therefore the wording of the sentence with the Yuill citation is apparently wrong.**

III.F-12, Prior to 1998 (the start of this EIS) with the increasing size of these operations, a single permit involved changing thousands of acres of hardwood forests into herbaceous cover. **This is true even for the short-term when forest is post-mining land use. How can this be short-term when Handel's report in this EIS shows little evidence of recovery after 2 decades?**

III.F-12 – bottom of page "*Similarly, we can assume that the invasion of* (**delete this of**) *rate of forest-floor dwelling salamanders will be slow on post-mined sites.* **Slow is far too weak don't you really mean non-existent for first several decades and possibly centuries based on Handel's study?** 9-1-4

III.F-15 –bottom of page, the discussion on Corridors is a bit weak and does not consider different types of animals, birds, large mammals, small mammals, insects, etc. and how different types of corridors may influence the success of various groups.

III.F-16 **under carbon sequestration – Why is the last paragraph written so positively? What evidence is there that any significant forest regeneration has occurred on a valley fill? If there is any evidence, please cite it in this report. Where are any data that show significant carbon fixation on a valley fill compared to a conventional hardwood forest? This paragraph needs to be reworded and reworked based upon realism.**

III.G-1, under regulatory background "*The discussion noted that surface mining can have significant effects on surface hydrology.*" **Far too weak should read does have significant....** 5-4-4

III. G-1 "*Open pits at mines sites can provide significant runoff retention. Drainage control structures can also provide retention, plus longer travel times for overland flow. The increased infiltration provided by backfills can also retard or lessen peak flows.*" **Are you trying to imply compared to a forested site? Please cite any scientific evidence for such statements based on either USGS studies or other studies done in conjunction with this EIS. You need to make it clear that compared to forested sites there is still increased peak flow with storms.** 17-1-4

III. G-2. With respect to the following passages - "*Currently,not all of the state regulatory agencies require a quantitative analysis of flooding impacts for proposed mine operations in either the PHC or CHIA assessments. The USCOE routinely relies on state or SMCRA regulations to address flooding. The USCOE may evaluate flooding impacts from an individual mine. T he USCOE districts routinely consider flooding impacts when they evaluate mining activities under the Individual Permit process. The need to do a separate flood impact analysis is determined on a case by case basis by the USCOE. Most districts will not conduct a separate flood analysis if such an analysis is required by state or SMCRA regulations.*"**Well, this sounds well and good but please provide some data with respect to the following: What percent of applications are required to do a flooding analysis? What factors go into the case, by case basis of a separate flood analysis? Exactly, how many separate flood analyses have been required by the COE permitting procedures?**

III.G-4 "*As summarized by Table III.G-1,the storm runoff modeling using HEC-HMS and SEDCAD 4 both calculated that the post-mining peak flows would be higher than the pre-mining peak flows for the same design storms. However, the predicted increases in peak flow would not have caused flooding on the banks outside the receiving stream channel.*" **Well doesn't this really depend on the size of the storm? Furthermore, your discussion gives the impression that a 100-year flood is what is predicted to occur every 100 years, but you need to make sure that the reader understands these names are somewhat misnomers and may occur much more frequently than every 100 years. I don't see that addressed here.**

III.G-4 "*These results indicate the largest drainage area (Hobet Westridge Valley Fill)with the highest percentage area disturbed had the greatest increase in peak flow from pre-mining conditions. The results also indicate that the smallest drainage area (Samples Valley Fill #2) with the smallest percentage area disturbed had the lowest increase in peak flow.*" **Then why was more attention not paid to limiting size of fills as a method to prevent flooding? Why the brief mention of flooding in the EIS Executive Summary without discussing this aspect as a reason to limit the size of fills? Was public safety not a concern? If it was why was it ignored under the proposed alternatives? xxx** 17-1-4

III. G-6 "*The final analysis was made of future conditions if the Samples Mine sites were forested with the permitted post-mining configuration.*" **I am not aware of any situation that approaches or even indicates such potential with decades or possibly several centuries. Can you cite specific information to support this type of analysis?**

III. G-8, top of page, *The calculated unit-peak flows for the unreclaimed valley fill in the southern group was twice as high as the remaining sites. The remaining basins in the southern group had similar unit peak flows for the unmined watersheds and the reclaimed valley fill.* **(Since the basins differ by a factor of over 6X in watershed area [previous page], please identify precisely what is meant by unit peak flow. Is this corrected for watershed area?)**

The calculated unit-peak flows for in the northern group showed a different relationship. The watershed without the valley fill had a unit-peak flow that was twice as high as the watershed with a valley fill. **Ditto previous comment and please give areas of reference versus valley fill watersheds.** 17-1-4

III.H-6. Top of page under, 4 . Impacts to Groundwater Chemistry From MTM/VF. **Is Selenium ever a problem in well water? Conductivity changes? Why are no measurements required for these?**

III.H-6, under Geochemical Reactions, **Quite a bit of this is also presented earlier under acid mine drainage, is there a reason to have it in this EIS twice when several important items are being omitted from the main document?**

III. H-7, top of page "*Further study is needed to determine the duration of the mineralization, which may be expected to decrease with time as backfill and valley fills are "flushed " of soluble materials.*" **Well they may decrease over many decades or centuries, but might they not also increase in early decades as chemicals and rocks that have not been in previous contact have increased chemical activity?** 5-2-4

III.H-8, last pargagraph, "*However, their report found certain data gaps for which no correlations could be evaluated. The study recommended additional evaluation to determine:* " **Should read- Their report was not designed to ....**

IV.A through IV.I **I found these to be some of the worst pages in this entire EIS with serious errors of logic and fact and in many cases very misleading. In this section I note the extensive use of evasive words such as "potential or potentially" (61 times) and "may be" (also 61 times), and 6 "possibly". In fact, it appears to have been written to intentionally downplay some overwhelming factual and scientific data.**

IV.A-1 " *The proposed actions and alternatives consist of many potential changes to data collection and analysis protocols, guidelines for best management practices, regulations, and mitigation requirements for MTM/VF operations. They are aimed at improving agency efficiency and effectiveness, increasing consistency within and between agencies, and meeting other public policies.*" **Well, this may sound good, but actually there are so many errors of fact in this draft or wording that strongly reinforces the idea that this EIS should have been done by an independent committee from an outside body such as the National Academy of Sciences and/or Engineering, not by agencies with vested interests in the outcome.**

IV.A-2 "*For example, surface coal mining is not the only factor that affects vegetative cover in the study area. Land management practices, which include harvesting of timber and development for residential, recreational or commercial purposes, are also key considerations. The future of forest land in the eco-regions of the study area cannot be predicted by considering changes in surface coal mining reclamation alone.*" **This is true, but what about renewable versus non-renewable resources? Timber harvesting does leave topsoil and land where forest can at least reproduce....to date there is no evidence to remotely suggest that this is occurring on valley fills in time frames less than centuries.** 9-1-4

IV.A-2 "*Population growth or decline and demographic changes in the study area will continue to transform communities in the study area. Communities that continue to lose population due to a lack of economic growth and diversification will further decline or be strained by decreases in employment opportunities in coal mining.*" **As a comment, Senator Hillary Clinton hit the nail on the head on this subject and region when she informed representatives that it is difficult, if not impossible to develop a viable economy when you trash the environment in which you are living.** 10-1-4

IV.A-3 " *The direct burial of stream segments by excess spoil for MTM/VF operations is a long-term irretrievable commitment of resources for the buried stream segment. However, the CWA and SMCRA provisions are designed to assure that adverse impacts to aquatic resources are minimized* **(how can you say this based on current evidence in the technical studies and various pending lawsuits?)** *and that significant degradation of the downstream watershed does not occur from MTM/VF activities.* **(Ditto previous remarks based on chemical, hydrologic and biological evidence)** *Consequently, the effects of MTM/VF on aquatic resources are irreversible for a buried stream segment, but may produce varying levels of impact to the overall hydrologic regime* [should add **as well as downstream chemical and biological effects**]. {*depending on the watershed considered.*} **delete this**" 5-7-4

IV.A-4. **Was the first paragraph at the top of the page written as some sort of cynical joke? With sufficient time? Succession can overcome? Reclamation techniques may exist to equal or exceed natural forest regeneration?** " *While no program can dictate post-mining land uses, many programs encourage and promote the tangible benefits for return of mined land to forest conditions so as to minimize and mitigate adverse effects.*" **This sounds like something copied directly out of "Greenlands" (magazine of WV Coal Association).** 19-3-4

IV.A-4 " *Studies have shown that a post mining change in habitat can provide transitional habitat for declining grassland species uncommon to forested ecosystems. Accordingly, a shift in wildlife resource species may be temporary in nature, as with the vegetative cover, and provide arguments both for and against irreversible change –* 9-1-4

depending on the viewpoint of the observer." **These results from Wood and her colleague are stated in an obfuscatory and weird manner. It should read as "Studies have shown that species common to forest of the region are replaced by uncommon grassland species. Nothing is known about the how long these changes will persist, but if they are dependent on forest recovery the changes could exist for centuries."**

9-1-4

IV.A-5 paragraph ending "*However, long-term effects on energy production could occur, since rendering some Appalachian surface mining coal reserves unminable could ultimately hasten reserve depletion when other coal sources dwindle."* **So the loss of these reserves would not have an immediate, irreversible effect on energy production because sufficient reserves exist elsewhere? Why isn't this in the executive summary? Shouldn't you inject here what the coal reserves are in other regions? We are really talking about centuries aren't we?**

11-9-4

IV.B-1 under aquatic resources. *"Estimation of direct stream impacts based on the entire permit area footprint may overestimate actual direct impact, since not all of the area within the permit boundary is disturbed. Estimates of direct stream impacts based only on the valley fill footprint may underestimate actual direct impact because direct stream impact can occur in production and support areas."* **NO! NO! NO! Who wrote this? The streams filled were taken from USGS topographic maps, we know from the headwater stream study that most of those streams do not even exist on USGS topographic maps, if anything this is a gross underestimate of total miles of streams filled. For example, Luna Leopold (1994) noted in his book "A View of the River", "blue lines on a map are drawn by nonprofessional, low-salaried personal. In actual fact, they are drawn to fit a rather personalized aesthetic" Furthermore, Leopold (1994) gives examples showing that "if actual channels are mapped on the ground {rather than a USGS 1:24,000 map}, a far larger number will be found than those discerned on a published map".**

Leopold, L. B. 1994. A View of the River. Harvard University Press. Cambridge MA.

5-7-4

For the Coweeta Creek Watershed in the mountains of western North Carolina, only 0.8 km of stream are indicated on a 1:500,000 scale map, 24.4 km are shown on a 1:24,000 scale map (i.e., USGS topo map), and 56 km of stream on a 1:7,200 scale map of the USFS (Meyer and Wallace 2001). Even the most detailed map (1:7,200 scale) misses a number of small springbrooks and spring seeps at Coweeta.

Meyer, J.L. and J.B. Wallace. 2001. Lost linkages and lotic ecology: rediscovering small streams. Pp. 295 – 317 in M.C. Press, N.J. Huntly, and S. Levin (eds.). Ecology: Achievement and Challenge. Blackwell Science.

In another southern Appalachian basin in NC, GA, and SC, USGS topographic Maps (1:24:0000) failed to recognize 79% of the total stream length within the basin (Hansen 2001). **Based on the above examples, and a number of other studies from other regions cited by Leopold (1994), many more miles of streams are undoubtedly being buried by the MTR/VF activities than appear on these maps.**

Hansen, W.F. 2001. Identifying stream types and management implications. Forest Ecology and Management 143:39-46.

A diverse aquatic fauna exists in West Virginia and Kentucky streams scheduled for valley fills that do not appear on USGS 1:24,000 maps (See Stoud et al. study in Appendix) . **Over and over again, peer reviewed scientific literature can give many examples of underestimates, it is simply incomprehensible that such a statement as on IV.B-1 would be allowed to stand in this EIS.**

5-7-4

IV.B-1 Ditto above comment for the last paragraph on this page as well. "*MTM/VF impacts (including valley fills and other permit features)estimated in the Cumulative Impact Study (based on ten years,1992-2002 of permit footprints)were 1,208 miles (2.05 %)of the 58,998 stream miles in the EIS study area."* **Add sentence to follow: However, these impacts are underestimates (see above) and do not consider cumulative chemical and biological impacts on downstream stream communities.**

IV.B-3 "*No widely-accepted, standardized testing procedures exist for measuring the presence/absence of the fine and coarse organic matter and consequent energy contributions of stream. Thus, the EIS stream chemistries studies in West Virginia and Kentucky did not document the effect of stream loss on the downstream energy continuum."* **No, suggest change to read as follows: Although methods exist for measuring the input, storage, and transport of organic matter and their contributions to downstream energy resources (Hauer and Lamberti 1996), such studies were beyond the scope of this EIS.**

F. R. Hauer and G. A. Lamberti (eds.). 1996. Methods in Stream Ecology. Academic Press, San Diego, CA.

5-5-4

IV.B-3 paragraph *"Similar effects to headwater and larger streams occur from other human activities, such as road building and development for industrial/ residential/ commercial sites in steep-slope Appalachia."* **This is a ridiculous statement as pointed out by Hooke (Hooke, R. L. 1999. Spatial distribution of human geomorphic activity in the United States: Comparison with rivers. Earth Surface Processes and Landforms 24: 687-692) nothing else in any region of the US compares with the scale of disturbance in the MTR/VF area and he actually singles out the area in this international journal. Furthermore, since there is a dense stream density in the region, the impacts are going to be far greater in the MTR/VF region.** "discussed by Yuill in the post-mining

9-3-4

land use report, suitable developable land is in short supply in some parts of the West Virginia study area [Appendix G]." **Ok – if such land is in short supply, why can't more development be found on more valley fills? This is not at all what I get from his (Yuill's) study (did the person who wrote this read the report?). Yuill pointed out only one county, Kanawha (Charleston, as I recall) will require between 16 and 30 square kilometers of new urban land usage between 2000 and 2010. I quote directly from his study page 31 in appendix G,** *"The other counties in the study area will require insignificant acreages for the new development that is anticipated during the ten year 2000 to 2010 time period."* **Another of his conclusions, Appendix G, page 43** *"Given current and foreseeable future land use demands, it is unlikely that any more than 2 to 3% of the future post-mining land uses will be developed land uses such as housing, commercial, industrial, or public facility development. However, significant acreages of land suitable for developed post-mining land uses will result from future mining under all of the mining scenarios."*

IV.B-3 paragraph *"Consequently, creation of areas suited for roads and development often places fill materials in streams. Based on the current demographics in the EIS study region, coal mining operations are likely to have the consequences of disturbing more land than residential, industrial or commercial development in the coalfields."* **Not only in the Coal Fields, they are far off scale with anything in the US (again see the Hooke reference above) compares or even approaches MTR/VF. The following paper should be included in several locations in this EIS because no other human activity in the US contributes to such large scale earth moving activities, see the following reference:** Hooke, R. L. 1999. Spatial distribution of human geomorphic activity in the United States: Comparison with rivers. Earth Surface Processes and Landforms 24: 687-692. **The MTR/VF activities are singled out in this peer-reviewed research paper published in an international scientific journal.**

10-3-4

IV.B-3 *"The No Action Alternative and action alternatives will not eliminate the loss of stream segments and reduction in organic matter transported downstream. In the absence of standardized testing and research, it is not clear to what extent this direct stream loss indirectly affects downstream aquatic life* **(What kind of ridiculous statement is this? The EPA statistical analyses, Falk et al. clearly shows significant downstream effects).** *It is also not evident to what degree reclamation and mitigation (e.g., drainage control and revegetation) offset this organic nutrient reduction.* **(What organic nutrient reduction? Never measured anything why even give the lip service, you know from stream chemistry it creates serious downstream problems.)** *The direct impacts of stream loss are permanent, but the downstream effect from organic energy loss may be temporary.* **(Why would you even speculate about this when you know it takes centuries to regenerate forests?)** *Existing CWA programs indirectly address these effects through technology-based effluent limits, state water quality standards, TMDLs, and other provisions designed to assure overall watershed health."* **(Clearly these limits are not effective based on elevated chemicals, including clear violations of Selenium in EPA's safe drinking water standards (see above).**

5-5-4

IV.B-4, under indirect stream impacts, *"The consequences of direct stream loss and energy transport reductions, discussed above, also indirectly affect downstream stream reaches. MTM/VF has the potential* **(no, change has the potential to "does alter")** *to alter the chemistry, water temperature, flow regime and geomorphological features downstream."*

IV.B-4. *Scientists postulate* **(no not "postulate", it's a known fact)** *Stream thermal regimes, which can* **(no not "which can" they do)** *influence microbial activity, invertebrate fauna, fish egg development, larval growth, and seasonal life cycles, may be* **(no, not "may be" but are undoubtedly)** *affected by valley fills and sedimentation ponds at the base of the valley fills. Scientists also theorize* **(this is not theory, but based on known facts, see references to Morse et al. on biological diversity in Appalachians)** *that, as mining or other human development practices eliminate first order streams, unique biological diversity may be* **(no not "maybe" but will be)** *affected, especially if rare species occur in only one or two spring or seepage areas and are impacted. [Chapter III.D;Appendix D]*

5-5-4

IV.B-4. *Headwater stream systems do not have a tremendous capacity to provide purification functions.* **(This is completely wrong and off base. In fact, it is exactly the opposite, a recent article in Science points out that headwater streams have the highest rates of nutrient uptake, and hence a very large capacity to influence downstream nutrient concentrations - Peterson, B.J., W.M. Wolheim, P.J. Mulholland, J.R. Webster, J.L. Meyer, J.L. Tank, E. Marti, W.B. Bowden, H.M. Valett, A.E. Hershey, W.H. McDowell, W.K. Dodds, S.K. Hamilton, S. Gregory, and D. D. Morrall. 2001. Control of nitrogen export from watersheds by headwater streams. Science 292: 86-90.)** *Although these ecological processes are not one requiring protection, the absence of streams to provide this function reflects the sensitivity of the system to inputs of a variety of potentially toxic materials* **(Delete this sentence the entire concept is wrong and off base). I don't know who wrote this section but it is the greatest misinterpretation of science that I have seen!**

IV.B-4. *"The EPA Water Chemistry Report found* **(insert very)** *elevated concentrations of sulfate, total and dissolved solids, conductivity, selenium and several other analytes in stream water at sampling stations below mined/filled sites [Appendix D;USEPA,2002b].* **(Insert this sentence - Furthermore, there were 66 violations of selenium**

and safe drinking water level standards). *Other studies found elevated concentrations of sulfates, total and dissolved solids, conductivity, as well as other analytes in surface water downstream from MTM/VF sites."*

5-5-4

IV.B-4. "*Studies conducted as part of this EIS show that aquatic communities downstream from MTM/VF differ from unmined headwater streams in several ways. In most cases, there were differences* **(no not different, they were impaired below valley fills)** *in biological assemblages. Generally, macroinvertebrate communities below mined areas were more* (pollution tolerant **or impaired**) *than those below unmined watersheds. However, biological conditions of filled sites represented a gradient of conditions from poor to very good,* **(misleading – see below)** *demonstrating a wide range of conditions that may be found in aquatic communities downstream from MTM/VF or other human disturbances [Appendix D;USEPA,2000 (Green,et.al.)]."* **As written this paragraph is misleading- (The EPA study (Falk et al. Appendix D part 2) and statistical analyses of benthic data do show impacts as noted by the following statement:** *"The consistently higher WVSCI scores and the Total Taxa in the Unmined sites relative to Filled sites across six seasons showed that Filled sites have lower biotic integrity than sites without VFs. Furthermore, reduced taxa richness in Filled sites is primarily the result of fewer pollution-sensitive EPT taxa."* **There is direct evidence of significant impact of fills on biota, chemistry, and hydrology. Furthermore, the data analysis provided by the Cincinnati EPA lab seems indicate that only one drainage basin that had streams below fills that scored good was Twentymile Creek, section 5.2 of the Cincinnati Report by Falk, et al. Their data would suggest differences between some basins in the MTR/VF region. The paragraph is also misleading because it presents a false view of higher scoring valley fills, for example:** *Unmined sites scored "very good " in all seasons except autumn 1999 when the condition was scored as "good ".The conditions at Filled sites ranged from "fair " to "good". However, Filled sites that scored "good " on average only represented conditions in the Twentymile Creek watershed in two seasons (i.e., autumn 2000 and winter 2001). These sites are not representative of the entire MTM/VF study area. On average, Filled sites had lower WVSCI scores than Unmined sites.*

6-4-4

IV.B-5 top of page "*The Aquatic Impacts Statistical Report indicated that ecological characteristics of productivity and habitat are easily disrupted in headwater streams [Appendix D;USEPA,2003)]* **(no, productivity not measured and neither was the ease of disruption, wrong again. Should read The aquatic impacts statistical study indicated that streams subject to valley fills in their headwaters are impaired).** *Accepted indices and comparisons correlated chemical and biological (macroinvertebrates and fish) parameters in unmined, filled, filled/residential and mined sites. The analysis indicated that biological integrity is hampered* **(no not hampered "impaired")** *by mining and that unmined sites have a higher biotic integrity with more taxa and more sensitive taxa. The strongest association with water chemistry suggested that zinc, sodium, and sulfate concentrations were negatively correlated with fish and macroinvertebrate impairments. Selenium and zinc were negatively correlated with the West Virginia Stream Condition Index (WVSCI). The potential drivers of these conditions are mining practices, material handling practices, and the geological factors associated with specific coal seams and overburden. However, the study also concluded that insufficient data existed to determine the temporal nature of the impact or the distance downstream that the impacts persist.* **(No it did not conclude such, i.e. USEPA Statistical Analyses of Data (Falk et al. Appendix D part 2) as follows: "***Examination of the Additive sites from the mainstem of Twentymile Creek indicated that impacts to the benthic macroinvertebrate communities increased across seasons and upstream to downstream of Twentymile Creek. In the first sampling season one metric,Total Taxa, was negatively correlated with distance along the mainstem. The number of metrics showing a relationship with cumulative river mile increased across seasons, with four of the six metrics having significant correlations in the final sampling season, Winter 2001. Also in Winter of 2001,a regression of the WVSCI versus cumulative river kilometer estimates a decrease of approximately one point in the WVSCI for each river kilometer. Season and cumulative river kilometer in this dataset may be surrogates for increased mining activity in the watershed." "Due to the limited scope of the studies performed for the EIS, no correlation could be made of downstream impacts with the age, number, and size of mining disturbances and fills, nor could data differentiate impacts of mining, fills or other human activity in a watershed".* **(So, based on above this sentence is also obviously wrong. The statements are not supported by technical studies.)**

9-3-4

IV.B-5 "*Wetlands are among the most effective ecosystems for removing pollutants and purifying wastes."* **Can you provide a peer reviewed citation that supports this or even implies that replacing streams with wetlands can provide similar ecological services, if so please do, because I don't know of any. Furthermore, why should replacing any stream with a wetland be a mitigation approved action? Please provide evidence for such. Wetlands are not common to the region, you are simply creating some exotic habitat.**

IV.B-5 "*Other human development activities,such as logging and other types of excavation, also pose potential threats to the nutrient cycling function, sedimentation, and other physical, chemical, and biological impacts to headwater streams in the EIS study area."* **(True, but nothing else in the entire country compares or even approaches MTR/VF. The following paper should be included in several locations in this EIS because no other human activity in the US contributes to such large scale earth moving activities, see the following reference. Hooke, R. L. 1999. Spatial distribution of human geomorphic activity in the United States: Comparison with rivers. Earth Surface Processes and Landforms 24: 687-692. Hooke singles out the MTR/VF in WV and adjacent states as being**

by far the most prolific factor contributing to elevated geomorphic activity in the US.) *" However, the permanent nature of filling discussed under direct loss, as compared to the more temporary impacts from forestry, would suggest that MTM/VF impacts (e.g.,nutrient cycling function, biological diversity, mineralization, substrate composition, etc.) of headwater stream systems may have a longer-term impact on this system, although data do not currently suggest the duration of these impacts."* **(What sort of deceptive and evasive wording is this? Restate as follows: The permanent loss of headwaters by MTR/VF certainly indicates that impacts from mining is much worst than other land use changes such as impacts from forestry.)**

IV.B-5, bottom of page, "*However,CWA programmatic controls discussed in direct stream loss are in effect under all alternatives and share the common objective of assuring the overall health of the watershed [Chapter II.C.3.a.1]. The NWP 21 and IP process require the following* **(How would NWP 21 require the following traits, IP yes, but NWP 21? How and since when?)** :

- *use of functional assessment stream protocols to identify the type and character of aquatic resources that may be impacted* **(ditto earlier comments the COE has never measured a function during this entire EIS, nor is the proposed program designed to assess any type of ecological function)**
- *prediction of potential impacts and alternatives analysis* **(based on what when a biological inventory is not required? How are you going to predict anything?)**
- *avoidance of high quality resources,if practicable to site activities elsewhere* **(ditto last comment, if no biological resources are assessed how are you going to know what are high quality resources?)**
- *minimization of impacts* **(how, not by your proposed alternatives which are designed to make the entire process easier?)**
- *adequate mitigation to offset unavoidable impacts, function for function* **(Again, ditto earlier comments the COE has never assessed ecological function in streams in the MTR/VF area)**
- *demonstration that impacts, individually and cumulatively, are minimal for NWPs and less than significant degradation for Ips* **(I haven't seen any evidence of this in what I have read, only vague promises. They have not met these to date, so what is going to change in the future, nothing in what I have read here under the alternatives.)**

The actions proposed and common to Alternatives 1, 2, and 3, when implemented, will further mitigate indirect impacts. **(not based on any evidence presented)** *In particular, the coordinated and collaborative MTM/VF proposal review described in the alternatives should result in improved environmental outcomes because of the synergy of joint reviews and shared expertise, on top of improved and increased data collection* **(what data collection?)** *and analysis* **(what analysis? Where, who, how?)** .

9-3-4

Consideration of the necessity of additional water quality parameters by EPA **(what necessary additional water quality parameters?)** *will take into account the indications of increased mineralization and biological effects from MTM/VF, along with additional study of the duration and downstream extent of these impacts relative to size, number, and age of MTM/VF impacts* **(What additional studies? Who, how, and who pays for such studies?)**. *The development of a BMP manual for mitigation* **(this is promised several times, but where is it actually developed? Who, how, and who pays for such studies?)**, *in concert with a similar document for improved forestry reclamation,* **(how do you plan to enforce or require improved forestry reclamation?)** *would suggest practices designed to reduce the indirect effects in association with the existing CWA controls described above."*

5-5-4

IV.B-6, **under stream hydrology, Sure, forestry practices change hydrology, but according to many studies conducted at Coweeta, these are relatively short-lived compared with what you are going to see where the forest is altered for centuries. Forestry practices (other than lack of forest on MTR/VF sites) is really not the main issue here, but the long-term changes in hydrology are really the prime points as forestry practices recover much more rapidly than those which might take centuries.**

IV.B-7, "*Concurrently, increased accentuation on avoidance, mitigation, and mitigation in the CWA Section 404 program has reduced fill sizes. These regulatory provisions, along with the general 250-acre minimal impact threshold applied by the COE in West Virginia, shifts in coal production, court injunctions, and difficulty in finding investment capital may have also resulted in fewer and smaller fill impacts.[Chapter II.D.]*" **But, haven't these changed within the last year since IV Court of Appeals overturned Judge Haden's 2002 ruling? I note from "Coal Age Magazine" in July 2003, that they reported an increase in permits (4,400 acres) following the overturn of Judge Haden's decision. How about size of fills in KY? What size are they permitting?**

9-3-4

IV.B-7, **middle paragraph, sounds as if this paragraph implies that some streams deserve burial.**

IV.B-7, next to last paragraph, **What are you trying to imply that larger fills are better because they increase the ability for more stable fills?**

IV.B-8, "*For instance, additional resource data and improved impact predictions would result in more-informed decisions about fill numbers, location, and sizes.* **(Well, these agencies have had 15 years to address this problem, give them another 15 years and the problem will take care of it self as no coal will remain.)** *Similarly, increased consideration of mitigation requirements and better controls on mitigation success should improve environmental consequences over the No Action Alternative.* **(Where is the mitigation issue with regard to requirements addressed, surely**

not by the proposed COE functional assessment, which is not functional. Who assesses and how? Also have mitigation projects ever been evaluated on a scientific basis in the past?)

IV.B-8, **Since when did the COE ever identify a stream in the MTR/VF area as unsuitable for filling? How many applications were rejected between the years 1990 to 1999? These figures should show up in this EIS within the main body and not buried in these excess appendices.**

IV.B-8, *The information sharing and automation of data relative to aquatic resources should also have* **(evasive wording)** *a positive effect on minimizing fills, individually and cumulatively.* **(However, we have no evidence whatsoever to support this statement. Give specific details or where these details are found in this document.)**

The continued analysis of data collected during implementation of the CWA Section 404 program by the COE and possible future identification **(evasive promises)** *of minimal and cumulative impact thresholds has the potential to minimize fill sizes.* **(However, we have no evidence to support this statement either. Surely, this is not addressed in this EIS? If addressed, where is (Chapter and Page number) this discussed in this EIS?)**

IV.B-8, "*Although a minimal impact threshold may reduce the size of fills, it could actually cause greater stream impacts by requiring the construction of valley fills in a greater number of headwater stream segments. However, cumulative impact requirements of the CWA Section 404 and SMCRA are designed to evaluate the benefit of fewer larger fills versus greater numbers of smaller fills.* **(Well, you chose to ignore cumulative impact based on data from this EIS, see USEPA Statistical Analyses of Data (Falk et al. Appendix D part 2) as follows:** "*Examination of the Additive sites from the mainstem of Twentymile Creek indicated that impacts to the benthic macroinvertebrate communities increased across seasons and upstream to downstream of Twentymile Creek. In the first sampling season one metric,Total Taxa, was negatively correlated with distance along the mainstem. The number of metrics showing a relationship with cumulative river mile increased across seasons, with four of the six metrics having significant correlations in the final sampling season, Winter 2001. Also in Winter of 2001,a regression of the WVSCI versus cumulative river kilometer estimates a decrease of approximately one point in the WVSCI for each river kilometer. Season and cumulative river kilometer in this dataset may be surrogates for increased mining activity in the watershed.")* Furthermore IV.B-8 - *This consideration should occur under all alternatives; although the action alternatives, with the greater coordination and increased data collection and analysis, should create improved results over the No Action condition."* **(Again, there is no explanation of how this is going to occur.)**

9-3-4

IV.B-8, under mitigation, "*The effectiveness of reclamation and mitigation practices to restore stream habitat and aquatic functions impacted by MTM/VF are discussed in Chapter III.D and Appendix D.*" **Insert the following sentence "However, there was no evidence presented or seen at the mine visitations that supported any significant restoration of either stream habitat or aquatic functions at MTR/VF sites to date." I saw all of these sites and the above statement is absolutely warranted.**

IV.B-8, under mitigation, "*Preservation of high quality streams through creation of conservation easements or land trusts, and the payment of in lieu mitigation fees for stream protection and restoration measure would be included as compensatory mitigation possibilities.*" **It is a possibility, but an earlier meeting at the Department of Justice resulted in a similar conclusion, but neither the mining companies or conservation groups would go along with this. So, how do you propose to get them to agree?**
IV.B-9, top paragraph, "*No Action Alternatives are dependent on the ability of the COE and SMCRA agencies to require the applicant to achieve functional replacement through on-site reclamation.*" **Again, ditto earlier comments, with rare exceptions no measure of stream function has been measured by the COE, nor does their proposed Kentucky stream evaluation evaluate function. (A review of this protocol will be following within a week.)**

14-2-4

IV.B-9, second paragraph, again is full of evasive wording that tends to view the world through naively overly optimistic and based on past actions, without any evidence of support, whatsoever.

IV.B-9. **third paragraph, this makes it sound like the recent Rivenburgh injunction has reduced the effectiveness of mitigation. What sort of reversed logic is this, you had 15 years to show any effective mitigation and it has not been done. Furthermore, there is little evidence to support that wetlands on valley fills provide the same magnitude or quality of functions as headwater streams.** "*Sediment stabilization, wildlife support, and potential water quality improvements are other types of aquatic resource mitigation projects that were most successful in the past* **(Can you cite a specific example where any mitigation procedure was actually analyzed and published in a peer reviewed scientific journal as it relates to MTR/FV mining? If so, please do.)** *and could be employed under the No Action Alternative. The No Action Alternative provides, under NWP 21 and SMCRA, that on-or off-site mitigation plans must be successfully completed.* **(ditto above comments, who, where, and how is such a mitigation project going or ever has been evaluated as it relates to MTR/VF mining?)** *Inspection and financial assurance of mitigation activities are required under the No Action Alternative; but mitigation procedures or the agencies are not as coordinated as proposed under the action alternatives."*

IV.B-9, last paragraph, "*Where the streams directly impacted from mining are of low quality, restoration of stream functions on-site may be the only required mitigation.* **(Again, since when did the COE ever assess any stream function as related to MTR/VF and see comments above. And, cite examples of where a stream has been restored on site, i.e., none in the Aquatic Ecosystem Enhancement Symposium)** *However, for most sites it is anticipated that both on-site and off-site mitigation will be necessary to insure that only minimal individual and cumulative impacts occur.* **(What's the meaning of this grandiose sentence?)** *Under all alternatives, the utilization of a stream assessment protocol provides a more accurate characterization of the loss of aquatic functions and the ability to more accurately predict the opportunity to restore aquatic functions loss at the reclamation or mitigation site."* **(No, ditto many comments above about the failure to measure function in any COE protocol as related to this EIS.)**

IV.B-9, top of page "*the ability to more accurately predict the opportunity to restore aquatic functions loss at the reclamation or mitigation site.*" **Again ditto many comments about failure of COE ever to address stream functions in MTR/VF area.**
IV.B-9, "*The functional assessment will apply under all alternatives, and involves the application of the developed models and the calculation of ecological integrity indices for a defined headwater stream ecosystem under existing (i.e.,pre-project) conditions and predicted (post-project) conditions. The results of using the protocol are the following:*" **Again, ditto above comments about function.**

IV.B-10, first line on page "*the ability to more accurately predict the opportunity to restore aquatic functions loss* **(no, no measure of functions have been or will be measured based on your Kentucky protocol)** *at the reclamation or mitigation site. The protocol, in Chapter II.C.6.a.1, also plays a substantial role in identifying high quality streams for avoidance,* **(no, it does not because identifications are not carried to a low enough level, i.e. species to identify such streams)** *to reduce the impacts to these aquatic resources as well as the associated mitigation costs.* **(I did not realize that a major objective is to reduce mitigation costs.)**

IV.B-10, **I will provided an evaluation of this protocol within a week, where the pros and cons of such an approach are discussed. However, how is the length of stream impacted by valley fills determined? If from USGS topographic maps see the discussion(s) above concerning their failure to accurately assess stream length.**

IV.B-11, second paragraph top of page "*If mitigation proves infeasible in certain locations, no mining could occur. If fill minimization/mitigation is difficult or impossible because of the application of the CWA 404(b)(1) Guidelines, some coal reserves may not be minable. The absence of mining in any area would result cumulatively and individually in less impacts to streams.*" **Again, it would be informative if the COE could provide the following for the period of 1990 to 1999: 1) number of applications for MTR/VF operations; and, (2) number of applications approved; and, (3) number of applications rejected for environmental reasons. How will this be changed under this alternative?**

14-2-4

IV.B-11, **under stream segment definitions, I strongly agree that some consistent definition is needed to define where these headwater streams start.** Topographic maps (see above) greatly underestimate their abundance and length. However, I suggest that a much better point would be where aquatic species with year-long or multi-year life cycles are found (see the Stout, et al. study in Appendix D).

IV.B-11, **under bonding and inspection, it would be useful to trace the history of mitigation, evaluation of mitigation projects (if any), who evaluates such projects, and to spell out specifically the following issues: 1) Who (what agencies, federal or state) are responsible for such evaluations? 2) How are such evaluations carried out? 3) What criteria are established to evaluate mitigation projects? 4) Why have no functional processes ever been studied with mitigation projects? 5) How are cost(s) benefit(s) analyses of mitigation projects conducted, if ever? 6) Who makes the final decision on the question of the success or failure of a mitigation project?**

14-2-4

IV.B-11&12. "*Alternatives 1,2,and 3 share actions designed to be more protective of aquatic and other resources, summarized in Chapter II.B and fully described in Chapter II.C, that would cause the following regulatory program changes, policies, or guidance:* **(I failed to see how II.C really solves any of this, please give concrete examples here without citing cross chapters)**
•Consistent definitions of stream characteristics and field methods for delineation;
• Clarification of OSM stream buffer zone rule and development of excess spoil requirements for alternatives analysis, avoidance, and minimization;
• Continued evaluation of MTM/VF effects on water quality and EPA recommendations for new standards, as appropriate; **(who decides this?)**
• Refined science-based protocols for assessing aquatic function,making permit decisions,and setting mitigation requirements; **(ditto many previous comments relating to aquatic functions, as none, especially by the COE have ever been conducted.)**
• BMPs for the following:
"functional assessment and mitigation **(ditto comments about function, above, and the numerous comments about BMPs, which are always promised but never developed in this EIS, Why not?)**

"flooding analysis and remediation **(How will flooding be remediated?)**
"reclamation with trees **(Has not occurred in the past, what evidence can be presented that it will occur in the future?)**
"control of fugitive dust and blasting fumes;
• *Coordinated permitting, data collection and sharing, mitigation bonding and inspection;* **(Provide us with the details in this EIS)**
• *Development of science-based minimal impact thresholds for individual and cumulative impacts, if feasible; and,* **(How do you propose to do this? What factors will go into your decision? What science will you apply, since you have ignored much of the science associated with this EIS? Who, and what agencies, make the final decisions?)**
•*Program changes, if necessary to enhance ESA compliance"* **(Again, what agency or agencies will be responsible for such changes and ditto above comments.)**

IV.B-12, "*The action alternatives, by virtue of formalized coordination of agency roles, facilitate results that would be delayed or would not occur under the No Action Alternative:*
• *Enhanced environmental protection and minimized impacts through better information, analysis and collaborative government regulation.* **(How do you propose to do this as it has not happened in the past? This is why the entire process needs to be evaluated outside of government agencies.)**
• *Improved government efficiency; implementing programs to achieve coordinated data collection/sharing and application processing that fulfill these objectives:* **(Again, ditto comments above)**
"*assure adherence to performance standards;* **(who, what agencies, how and when?)**
"eliminate duplication by the agencies and applicants; and **(Give examples of what will be eliminated? Who determines what will be eliminated? Surely not US F&W Service? Based on what is written here.)**
"provide for better integrated public participation. (How will this be done?)
•*Supplemented data collection to accomplish the following:*
"better characterize environmental resources and establish their function in the ecosystem; **(Since, when did any of these agencies, including COE and their proposed KY protocol evaluate one terrestrial or aquatic function?)**
"monitor impacts based on changes from baseline condition to determine if predictions were accurate; **(1) when have baselines been set; and (2) give one example where such changes have been monitored in the past; and (3) what agencies, who, when and where will be responsible for such monitoring; and (4) how is the coordination handled among agencies?** *and "demonstrate compliance and/or reclamation/mitigation success.* **(ditto preceding comments about measuring reclamation and/or success of mitigation, when, how, and who ever conducted such studies since the 1990s when the entire MTR/VF phenomena rose to the top of the radar screen?)**

12-2-4

•*Strengthened prediction of impacts based on better data and analysis.* **(how, when, where, and what agencies do you propose to do this?)**
• *Articulated regulatory concepts in the regulation of surface mining operations that accomplish these goals:* **(by what mechanisms will you articulate?)**
"provide clear understanding of requirements and set expectations of industry and stakeholders **(What requirements, what do you expect?)**
"for making decisions;
"improve environmental protection; and
"assure public safety. **(By what mechanisms will you improve environmental protection, since there is no evidence it has been done to date, and how will you assure public safety since chemicals such as selenium, and potential for flooding are given low priority in this EIS as presently constructed.)**
•*Expanded best management practices in planning/design of mining, reclamation, and mitigation practices.* **(What BPMs, reclamation and/or mitigation practices have ever been developed by the agencies involved with MTR/VF mining?)**

IV.B-13, first paragraph - "*A coordinated review process should reduce processing times* **(time)** *and costs of permit applications, which may offset some of the increased costs and times associated with the additional data collection and analysis requirements of the actions."* **(This sounds as if the objective of this EIS is to reduce processing times and costs of permit applications to mining companies, not environmental concerns or environmental protection. I thought the main purpose of the EIS, was to ensure that MTR/VF was on a firmer environmental footing, not to make the application process easer with speed.)**

12-2-4

IV.B-13, second paragraph, **yes environmental data is costly, exactly what type of data to you propose to compile from various sources? What are your sources? Who is responsible for analyzing the data and making comments? Who assures quality control of such data?**

IV.B-13, "*Increased environmental benefits to aquatic and related resources would be realized from the use of a coordinated permit process in combination with other regulatory aids and tools such as ADIDs and the COE stream assessment protocol."* **How is a coordinated permit process going to enhance environmental benefits? Who does the COE stream assessment protocol? Additional comments about this protocol will follow within a week?**

IV.B-13 "*The coordinated process and actions that make up the action alternatives could minimize adverse environmental effects by enhancing consideration of the least damaging practicable alternative in fill placement; minimization of excess spoil material; consideration of adverse cumulative environmental effects* **(Some**

cumulative environmental effects were addressed in the EPA statistical study by Falk et al., yet these were ignored for this report, so what assurance is there to expect any better than past performance?); *and, technology transfer to identify the best practices reclamation techniques available to avoid or minimize adverse environmental impacts."*

"*Better stream protection from direct and indirect effects would result from improved characterization of aquatic resources;* **(How are you going to characterize the aquatic resources, surely not with only a family or generic level identification as proposed by the COE for their Kentucky region?, This is simply not sufficient.)** *operations designed to avoid and minimize adverse effects and restore aquatic functions* **(no, the COE or agencies associated with this EIS have not measured aquatic functions!);** *and compensatory mitigation plans with improved design, inspection, and enforcement.* **(This sounds great, but who, when, how is mitigation evaluated? Short on details, but lofty wording)** *Excess spoil fills would become smaller and placed in locations that minimize adverse environmental effects."*

IV.B-14, "*The MOA could also reinforce protection of special environmental areas by containing information on existing regulatory tools for environmental protection of high value aquatic or other resources (e.g., underscoring the ADID process, designated special aquatic sites, and "Aquatic Resources of National Importance," as well as lands designated unsuitable for mining under SMCRA* **(Again, ditto earlier comments with the absence of an intensive biological survey, how are you going to determine aquatic resources of national importance? Most aquatic resources are of national importance, specifically what criteria do you intend to apply for your classification?).** *An MOA could identify the role of the CWA Section 404(c) and (q) elevation process in the coordinated approach and describe the type of site-specific information necessary to justify formal written requests to the COE requesting NWP applications be processed as IP."*

IV.B-14, top of page, under alternative 3. "*This alternative is the preferred alternative for the agencies because of the improved efficiency, collaboration, division of labor, benefits to the public and applicants, and the recognition that some proposals will likely be suited for IPs, and others best processed as NWP 21."* **Again, I was unaware that the purpose of this EIS was to make the permitting process easier -- I was under the impression that the purpose was that given on page I-2.**

IV.B-14, "*The COE would also be responsible for mandating and retaining its jurisdiction for appropriate compensatory mitigation to offset unavoidable impacts to aquatic resources.* **(Ah, some information, but does the COE have the trained aquatic biologists and/or ecologists to perform this function? Specifically what sort of background to you envision for such people? What goes into the valuation of ecological services from unmined streams?)** *Currently, unlike the COE, SMCRA agencies may not have the statutory basis to require off-site compensatory mitigation. Most states in the EIS study area require compensatory mitigation through either the CWA Section 401 water certification process or state water quality laws. Under this alternative, the SMCRA agency would work closely with the COE to determine the extent of on-or off-site compensatory mitigation* **(ditto above comments, and again one sees the need for independent experts outside any of the agencies involved with this EIS to serve in this capacity),** *needed to offset unavoidable adverse effects of MTM/VF to waters of the U.S. Any regional conditions established under the No Action Alternative will not be continued under Alternative 3."*

12-2-4

IV.C-1, "*These actions are identified and described in Chapter II.C.8.b.as Action 13 and Action 14.Action 13 includes the cooperative development and identification of state-of-the-science BMP 's for enhancing establishment of forests as a post-mining land use. Action 14 states that if legislative authority were established on either a Federal or state level, reclamation with trees could be required as a post-mining land use.* **{Yes, give more information on how you intend to get either state or Federal legislation to support such laws}** *The benefits these actions would provide to the successful establishment of forests on reclaimed mine sites are described in the Chapter II.C.8.b discussion of the actions."* **{A general paragraph on why this has not been done in the past, lack of incentives, absence of laws, etc. would be useful somewhere in this EIS}**

19-2-4

IV.C-1, next to last paragraph, "*In this type of ridge line mining and reclamation environment, for a number of years to come, the forest is replaced by a grassland and/or herbaceous/shrub vegetative community with different topographic and hydrologic conditions than those that existed prior to mining."* **{A number of years to come? All the evidence points to centuries; delete the inaccurate and evasive wording.}**

19-3-4

IV.C-2, top of page, "*The tables represent a worst case projection or overestimate of impacts to forest cover in the EIS study area because:1)the data are projected under the assumption that the entire area within the permit boundary would be disturbed, and 2)the data do not include areas where forest regeneration is occurring on some mine sites, i.e., the amount of natural succession or managed forestry would decrease the affected acreage.* **(Whoa, I have no problem with the first point, but what evidence can you provide that there is any significant amount of forest regeneration on valley fills? I have been on about 16 and am yet to see any signs of significant forest regrowth.)** *Forests constantly change and evolve as a result of tree growth, aging, disease, and human disturbances continually affecting the extent and composition of the forest. For example, as one area is disturbed by mining or logging activity (i.e., forest cover removed), other areas which were affected years ago by similar activities such as*

9-1-4

logging or agricultural development revert back to forest." **(Again, this is misleading because it intends to imply that all these other factors are as significant as mining activities. Hardwood forest recover within several decades following logging, or even succession from agriculture, insects and disease; there is no evidence of such a succession on valley fills.}**

IV.C-2, **second paragraph is really an alternation of the facts, forest regrowth is not what's occurring on valley fills, forest are becoming more abundant but it primarily from losses to agriculture, etc – has nothing to do with what's happing on valley fills, it is anything but a reasonable assessment of what is occurring on the MTR/VF sites.** In fact, the following are quotes from the former WV State Forester (from the Charleston WV Gazette). **"*timber is the only natural renewable resource in WVA*", "*it employs over 30,000 people, by comparison the coal industry employs about 18,000 people... including 4,400 at surface mines*" ... "*300,000 acres of forest have been disturbed...mines strip topsoil and do not replace it...soil that is limed ... and hydroseeded with grasses.. which makes the ground too alkaline for trees ... our valuable hardwood forest are being lost for the next 150 – 200 years*" (some think his estimate of 200 years is generous). In view of these comments by the former state forester of WV, this paragraph deserves to be rewritten entirely with completely different emphasis!**

IV.C-5, top paragraph, "*This process is know as "carbon sequestration." Thus the removal of forests means that those trees removed can no longer sequester carbon from the air, and depending on how the removed trees are utilized or disposed of, may re-introduce previously sequestered elements back into the air.[Chapter II.C.8.a.2.]"* **{Well, if they are cut and burned in place they do release carbon dioxide, but are not most of them removed for timber, building, and paper products? It is unclear to me what the message the writer of this section is trying to convey.}**

IV.C-5, under consequences common to the no action alternative, "*At best, reforestation could only be considered marginally successful (poor survival and impaired rate of growth).*" **How could it even be described as marginal successful when you have 10-year old stems that are barely visible, and at best described as "hanging on". If you really feel that it is marginally successful show some pictures of valley fills that have been replanted as examples. If you cannot produce such, then rewrite this stuff.**

IV.C-5, last paragraph, "*In Virginia, the majority of post-mining land uses proposed on coal mine sites are forestry. A study of the proposed post-mining land uses on current mountaintop mine sites in West Virginia revealed that 68% of the sites were to be reclaimed to forestry-related land uses [Appendix G;(Yuill, 2002)].* **{Could you give some examples of the number of post-mining land uses reaching these goals? According to Table 7 in Yuill (Appendix G, p.23), those are the proposed post-mining land usages from permits, not what occurs. The 68% are not the figures that show up in actual post-mining usage.}**

9-1-4

19-2-4

IV.C-6, "*However, regardless of the tree species, the reduction in the time required to re-establish a forest (commercial or otherwise) equal or better than that which existed on the disturbed areas prior to mining will also provide other environmental benefits such as:* **{Whoa, first, there is little evidence that forest can be replenished on mine sites without extensive changes in top soil requirements, and second, What evidence can you possibly cite that would indicate a forest can be equal or better than that which existed previously when there is no topsoil? {see above statement by former WV State forestry Commissioner} This above is pure wishful thinking unsupported by any facts whatsoever}** *1) an improved aesthetic environment as grass-shrub habitats that typically follow mining will be more quickly replaced by forest habitats; 2)resumption of carbon sequestration; 3)resumption of forest product utilization; 4)return of forest wildlife species similar to those that were present prior to mining; and 5)resumption of more normal hydrologic cycles (e.g. evapotranspiration cycles, peak flow),etc."* **(Yes, this is true, but there is no evidence, supporting even minimal successful restoration of forests).**

19-2-4

IV.C-6, "*Although SMCRA regulations require salvaging and redistribution of topsoil or acceptable topsoil substitutes as a growth medium, comments were received during scoping specific to the impacts to soils as a result of MTM/VF."* **{So, if this has been required, why has it not been enforced? Why should the public believe any of the new promises made in this EIS based on the past performance of agencies responsible? As for the WVU soil study see my comments below based on feedback I obtained from some distinguished soil scientists.}**

IV.C-7, "*This reduction in size and number of fills would indirectly have resulted in a corresponding reduction in the number of acres of forest and forest soils impacted by MTM/VF. When the qualification statements and recent trend data are considered in totality, it is likely that the forest and forest soil impact predictions for the next ten year period will be less than the projected 380,547 acres."* **{This statement appears to be in error based on Coal Age Magazine, July 2003, where they report an increase in permits (totaling 4,400 acres) since the IV Court of Appeals overturn of Judge Haden's decision in the winter of that year.}**

7-5-4

IV.C-7, **Again, so many promises based on a non-existent, BMP Manual, give some details, who, how and when will it be forthcoming?**

IV.D-1. **Again, page is replete with inaccurate and evasive wording, examples include: "...for a number of years to come, the forest ecosystem....", meaning = centuries; "may impact aquatic resources" ...they do impact aquatic resources see EPA statistical study; "may result in downstream impacts", accurate translation = They do result in downstream impacts.**

IV.D-2, first paragraph "*These impacts do not reflect any natural succession or reforestation efforts, that have occurred and will occur*".**{Insert at end of this sentence the following: ", which to date have been an insignificant portion of the deforested landscapes."} Otherwise, you are lying by implying something that does not exist. See also comments of the former WV State Forester, above.**

IV.D-3, "*Although data are lacking on the magnitude of mining impacts compared to other alterations in land use, such as forestry, the MTM/VF impacts to complex population dynamics in headwater stream systems requires additional study to detail the impacts to this system in the study area.*"**What kind of statement is this? Most of the streams are gone for eternity when buried? We know that formerly logged catchments can at least recover with time. We know there are significant downstream effects as well.**

IV.D-3, "*Direct filling of streams may reduce the numbers of individuals of rare and endemic species, thereby reducing its genetic diversity possibly to the point of extinct.*" **May reduce? Also, don't you mean extinction? Other evasive words at bottom of page "may reduce" (it does reduce).**
IV.D-3, "However, determinations of this type of impact is highly site-specific and, as such, are beyond the ability of this document to evaluate. Identification of these endemic populations, and as appropriate, protection measures, would be developed on a case-by-case basis as MTM/VF proposals are submitted." **{Exactly, what does this mean? You are not requiring any specific inventories, so how do you know you have an endemic populations? Your "*case by case basis*" comes across to the reader as "unlikely event"}**

IV.D-4, (Burton and Likens 1975) not Burton and Lykens and last paragraph, "*Biotic communities have been demonstrated to occur in the uppermost reaches of watersheds, even in ephemeral stream zones which flow only as a result of rain or snow melt.*" **Are you referring to the Headwater stream study of Stoud et al. in Appendix D? If so, these zones are not ephemeral, in fact, by WV state standards they would not even be intermittent – they obviously have long-term water as evidenced by the fact that many taxa had multi-year life cycles as immature (aquatic stages). The point is that these streams do not appear as permanent streams on USGS topographic maps, see comments above, which also gets back to miles of streams buried being underestimates.**

9-1-4

9-3-4

IV.D-5, first paragraph "*changes in macroinvertebrate and fish communities have been observed*" **should read "Macroinvertebrate and fish communities were impaired below valley fills"** See Falk et al. EPA statistical study in Appendix.

IV.D-5, "*Although data are lacking on the magnitude of mining impacts compared to other alterations in land use such as forestry, the permanent nature of filling would suggest* **{evasive should read "shows"}** *that MTM/VF impacts to biotic interactions in headwater stream systems, including interactions linking terrestrial biota to the aquatic environment, may constitute* **(evasive should read "constitutes")** *a irreversible impact to this system in the study area.*" **The streams are buried, lost for eternity, gone, done, etc., etc! This is some of the most misleading and evasive writing that I have ever seen!**

9-3-4

IV.D-5, "*Comparison of the numbers of total species and benthic species on unmined sites and filled sites in Kentucky and in the New River Drainage indicate that MTM/VF has* **reduced** **(*"not had an effect"*)** *on the number and composition of the fish communities in these streams.*"

IV.D-7, "*Reforestation or creation of riparian zones as part of mitigation will also aid in restoring contributions of woody materials and leaves for macro invertebrates and downstream energy transport.*" **{How? Ponds or wetlands don't export to downstream regions, and the development of stream conditions on fills seems impossible based on the current structures, see aquatic enhancement studies."}**

IV.E-3 "*Under the action alternatives, surface coal mining operators would have access to a central source for state-of-the-art information on techniques to control air quality problems that may not be available under the No Action Alternative.*" **Well, it sounds good what does it mean and please explain the state-of-the-art information on such techniques to control air quality, and simply because they have access to it, does it mean they will be required to use it? Again, promises without any concrete mechanisms being put forth.**

15-2-4

IV.F-1 "*Coal mining provides over 50%of the electrical generation capacity for the nation, and, in states within the EIS study area, more than 90%of electricity comes from Appalachian coal* **(What proportion of US Coal comes from the MTR/VF Region?).** *Nevertheless, resources in U.S. coal basins within or outside of Appalachia and in other countries exist to offset lost reserves from the study area, if market conditions change for regulatory or other reasons. However, economic impacts resulting from decreased coal mining, could be locally significant [Chapter*

11-9-4

IV.I.]." **However, wouldn't some conversion be required of eastern power plants to burn western coal?**

Also somewhere in this EIS surely some mention should be made of the many harmful effects of relying on coal? I suggest you might extract some material from the following publication "COAL: America's Past, America's Future?" prepared by Stephen Bernow, Michael Lazarus, and Sivan Kartha by the Tellus Institute, Boston MA, May 2001. It is available on the web.

11-9-4

IV.G-3, **I found this to be a very disturbing section. These people are hurting, they have little money, and little opportunity for further development because their environment, culture, and way of life are being trashed. Furthermore, leaving little opportunity for higher education, does not mean they are dumb by any means. What are they going to be left with when all of the coal and many of their mountains are gone? How can they expect to develop a viable economy when their environment is being trashed? In other words, they are being treated as a third world country and as such being exploited by the rest of us. How can you say that none of the alternatives will help them? This is only because maybe the right path is not put forth as an alternative. Think about these things with respect to the following statements on this page:**

"No distinction can be made between the No Action Alternative and the three action alternatives as they affect cultural, historic, and visual resources in the EIS study area."

"All alternatives may continue to displace local communities in essentially equal amounts, since the alternatives are based on process differences and not directly on measures that restrict the area of mining." **This as well as several other statements on this page translates as "citizens, be damned, we are getting the coal". How would the persons responsible for this EIS like to live in these areas? Put yourself in their shoes.**

10-2-4

"Mitigation for these impacts may occur in the form of reforestation in some instances, however, some visual impacts may be permanent due to post-mining development." **Well, if the reforestation I have seen on these valley fills are examples they really don't have anything to look forward to for several generations!**

"As communities are displaced for whatever reason, including MTM/VF, local crafts, skills, and folk lore may be diminished and may be lost. However, all alternatives will produce indistinguishable indirect impacts in this regard." **Only because the citizens have not been considered in this process and additional alternatives are not considered, only the mining interests are taken into account.**

IV.H-1, **under social considerations,** *"Taken together, the changes for the two periods suggest that the study area counties lagged the states in the 1980 's in employment improvements and have begun "catching up" in the 1990's.[Chapter III.Q.]* **(Pleas show the per capita income for the MTR/VF counties, versus the state average income for each period – Then, what does this tell you about the importance of MTR/VF to the local economy?)** *The persistence of high employment in the more isolated areas suggested that new and growing industries are not being attracted to take advantage of the available labor force [CVI,2002].* **Surely, you mean persistence of high unemployment? Furthermore, why do you say in the more isolated areas? Why would any "new" industry move into an area where the environment was trashed?**

IV.H-2, statements such as *"The economic dependence of the region on its exhaustible coal resources, its need to diversify, and its need to further develop the human resources and infrastructure to support economic development are widely recognized."* **{Well, ditto remarks above about trashed environments attracting new industry and maintaining any quality of life.}** *"The steep slopes and the narrow, flood-prone river valleys severely constrain the available supply of developable land.* **{Well, there are many other areas of the world and U.S., even within the Appalachians, that have such geology and maintain viable economies. Could the trashing of environments by coal be a factor here?}** *The use of land after coal mining has been completed may include residential and/or commercial development."* **{How many valley fills are there in the State of WV? How many have some development on them? I am aware of 2 airports, a prison, a golf course, a nursery (with container grown plants), what else?, How about Kentucky? And, recently found several additional ones listed in the study by Yuill 2002.}** *"Impacts to aquatic resources affect drinking water and fisheries, impacts to terrestrial resources affects land use and development, viewsheds, wildlife use and recreation which all have a bearing on social and cultural impacts."* **{Well, what does this say about the potential for new industry and economic development?}** *"The number of mining jobs is related to the amount of coal produced."* **{Well, if this is true why do the few miners working at MTR/VF sites, mine much more coal than many more underground miners in the state of WV?}** *"Coal-related jobs will likely be lost as the existing coal reserves are depleted and/or if coal mining productivity increases.[Appendix G;Chapter III.P-Q]"* **{First part of statement is obvious. Think about the second part of this statement, completely contradictory with preceding statement – more coal production, fewer jobs, i.e., MTR/VF}**

10-2-4

IV.H-3, *"Concerns and subsequent complaints are likely to decrease as a result of the identified recent program improvements."* **Specially, what recent program improvements will decrease citizens concerns and complaints? Please give specific examples in this EIS.**

IV.H-3, *"The actions in the three action alternatives are projected to have positive social benefits through the improved regulatory processes and coordinated public participation."* **{What! Compare with what was written on page IV.G-3 above, how can the writer of this section even pretend this statement is accurate!)**

IV.H-3, *"Additional water quality data collection and analysis may result in new water quality standards, if necessary.* **(Why additional? You already have the information that Selenium exceeds safe drinking water standards in many cases!)** *Development of BMPs* **(Again, based on promises with no indication of development, see also comments above concerning BMPs}** *to centralize the best technical information for aquatic mitigation* **{see above concerning questions about mitigation}** *and reforestation [Chapters II.C.6 and II.C.8.], as well as the two actions discussed below, will provide predictability and better understanding for residents in the area of the effects of MTM/VF."* **{ What sort of predictability and better understanding, based on statements above and preceding pages? These are vague, empty promises without evidence of support.}**

10-2-4

IV.H-3, **a general comment on this page – Would, could, should – too frequently used (especially under 2. impacts common..).**

IV.I-3, *"The existing program and the alternatives proposed in this EIS contain the common requirement that an applicant must avoid headwater streams and minimize valley fills where avoidance is not possible."* **Well, I am not getting that message from this reading. What is coming through to me and on the following pages is why we need larger fills.**

IV.I-5, *"Because the surface mining operation has been designed to reflect comprehensive SMCRA review, there is pressure on the COE to work within the existing design so as to not significantly alter the mine plan--unless egregious adverse environmental effects would occur."* **What are some examples of something the COE would reject as an egregious environmental impact? Also, between the years 1990 and 1998, how many permits were applied for and how many rejected?**

11-2-4

IV.I-6, *"Action 10 is common to Alternatives 1,2,and 3 and proposes to assure compensatory mitigation through coordination of SMCRA and CWA bonding and inspection."* **Again, I hate to keep pounding this point, but has there been any follow up studies of mitigation where a stream or stream segments have been "improved"? Who does these and where are the results of such follow-up studies following mitigation. This is touched on (bonding and permitting) in the following paragraphs, but based on the scant presentation, it is impossible to follow what is actually done and who does it with respect to mitigation. One would think that this should be a pretty important detail as often as the word mitigation is mentioned in this EIS.**

9-3-4

IV.I-7, Again, readers need to be cautioned that 100-year floods generally occur much more frequently than every 100 years.

17-3-4

IV.I-8, *"However it is the purpose of this EIS to generally inform the public and decision makers of the consequences of implementing measures for fill minimization on the economy."* **On page I-2, it reads as follows**: *"As stated in this Notice, the purpose of this EIS is "to consider developing agency policies, guidance, and coordinated agency decision-making processes to minimize, to the maximum extent practicable, the adverse environmental effects to waters of the Unites States and to fish and wildlife resources affected by mountaintop mining operations, and to environmental resources that could be affected by the size and location of excess spoil disposal sites in valley fills."* **(Please correct the spelling of United on page I-2 under purpose and need, but doesn't the latter sound different that that given on page IV.I-8?)**

12-2-4

Aquatic EIS studies, Appendix D, part 1, page 1 – The entire objective of what is summarized for the WVA Macroinvertebrate Study (and I think a pretty good one) for a Biological Indicator study, seems to be attempting to make it sound as if residential areas are strongly responsible for the biologically degraded streams below valley fills. Surely, it deserves mention here that the greatest similarity between these sites were in autumn in the middle of a drought and the streams originating below fills had lower evapotranspiration and hence, greater flow than those draining forests? Furthermore, the data analysis provided by the Cincinnati EPA lab seems to indicate that the only drainage basin had streams below fills that scored good, Twentymile Creek, section 5.2 of the Cincinnati Report by Falk, et al. Their data would suggest differences between some basins in the MTR/VF region. However, as Figure 5.1 shows there are still some pretty large differences between filled and unmined sites in most seasons. Sampling a number of new basins, as well as incorporating the sites studied in this report during a non-drought year could enhance these studies. It would also be valuable to collect from streams with residences only and more sites with fills and no residences. The summaries on pages 1 and 2 do not adequately include information from the more comprehensive statistical report from the Cincinnati EPA Lab, which used all the stream biological data.

9-3-4

Appendix D, page 2, "*Questions remain concerning the extent to which downstream impacts identified in this study may be influenced by the size, number, and age of fills and the impact that these changes in the macroinvertebrate community may have on the downstream terrestrial and aquatic communities. A limiting factor that should be considered is that most sites evaluated as mined were not necessarily reflective of current mining methods and programmatic controls.*" **Again, this is largely a misrepresentation of the data because a) the data show impaired communities below fills; b) so what difference does it make how many fills are involved?; c) the fills had altered chemistry and aquatic communities below them, so what current practices are any different and what programmatic control was ever in place?**

Appendix D, page 3, "*However, just as in the West Virginia Study, no attempt was made to correlate changes in water quality or quantity and subsequent changes in the macroinvertebrate community to the numbers of valley fills present, the age of the fills, of the fills or the influences that downstream distance may have on the sampling results. Also, sampling periods for the Kentucky study were limited. As such, additional studies are needed to more fully evaluate the impacts of valley fills on the aquatic and indirectly on the terrestrial community.*"**Ditto the above comments about misrepresentation of the data.**

9-3-4

Appendix D, page 4, "*Invertebrates inhabiting temporary streams can have high diversity and faunal similarity with permanent streams, therefore they should be considered in conservation plans designed to protect species and their habitats.*" **No, the point is these are not temporary streams but do maintain some water year-round as evident from the taxa present, some of which require water for one to two years during their larval development. This is an example of how the USGS topographic maps greatly underestimate the presence of small headwater streams (see discussions above as well).**

Appendix D, page 4, "*New questions remaining: Much more work is needed on organic matter dynamics, e.g., input and output budgets, etc. in small headwater streams of the central Appalachians. The trend of increasing fine organic particle collectors downstream and higher shredder populations upstream suggests a system that is dependent on linkages upstream resources and surrounding forest.*"**Well, not much more work because we know from studies in the southern Appalachians that: a) the organic matter that supports many invertebrates and eventually salamanders and fish comes from the surrounding forest; and b) longitudinal linkages are a fundamental concept of stream ecology. Again, these statement do not accurately reflect current ecological understanding.**

Appendix D, page 4, under WV Stream Chemistry Studies, "*Sites in the Filled category had increased concentrations of the following parameters: sulfate, total calcium, total magnesium, hardness, total dissolved solids, total manganese, dissolved manganese, specific conductance, total selenium, alkalinity, total potassium, acidity, and nitrate/nitrite.*" **Well, this really fails to convey the magnitude of difference (see table 6, page 25 in chemical studies) for example the ratio of only median concentrations in streams draining filled/unfilled sites: sulfate = 41.7x, calcium = 21.3x, magnesium = 21.2x, hardness = 21.2x, total dissolved solids = 16.8x, Manganese = 8.8x, conductivity 8.8x, selenium = 7.8x, etc., etc. Surely, this deserves mention at several locations throughout this EIS, including the Executive Summary! So, why are these data not elaborated throughout this EIS? Furthermore, in Appendix D, page 5, the striking thing about the chemistry report is the 66 violations of the EPA's safe drinking water levels for this element! This is a serious problem (see above comments), why is the problem glossed over here? What do you propose to do about selenium, and I cannot find that it is even mentioned in the executive summary? This is a very flagrant omission.**

5-5-4

Appendix D, page 6, "*Comparisons of unmined sites and filled sites in Kentucky and in 2 nd order streams in the New River Drainage indicate that mountaintop mining/valley fill coal mining has impacted the streams.*" **Add "and resulted in degradation of macroinvertebrate and fish communities." to the end of this sentence.**

Appendix D, page 6, "*The limitations of the study include lack of data on the age of fills, size of fills, characterization of materials handling practices, the influence of specific geological factors such as coal seams and overburden, and the extent to which distance between fills and sample sites affects study findings.* **{No, these are not limitations, but an attempt to obscure the findings, see comments above.}** *There was little QA/QC data provided for the mining company data. Questions still remain on the downstream impacts relative to the size, number and age of fills and the influence of stream flow variations.* **{Ditto comments above about the evasive use of additive versus cumulative effects.}** *Further data analysis concerning these issues is being considered. The report for this study was completed in April 2003 and did not undergo EIS Steering Committee review.* **{Whoa, are you trying to imply that this study is therefore flawed? Is that what the steering committee thinks? Why?}** *Continued sampling at Unmined and Filled sites would improve the understanding of whether MTM/VF activities are associated with seasonal variation in benthic macroinvertebrate metrics and base-flow hydrology.*"**{What, exactly are you trying to imply? This statement makes no sense, whatsoever! MTR/VF activities obviously impact benthic macroinvertebrates as well as fish! We have attempts at concealment and obfuscation, again.}**

9-3-4

Appendix D, page 7, "*The proceedings provide information on the current knowledge about headwater streams, which are little understood outside of scientific circles.*" **Well I would state this differently, i.e.. "The proceedings provide information on the current knowledge about headwater streams, whose values are increasingly being recognized by the lay public, who are forming watershed associations and adopt a stream groups.**"

Appendix D, page 7, same paragraph as above, the value of headwater streams in nutrient uptake and transformation was also discussed. **Furthermore, I think it could be safely stated that the aquatic scientists attending the meeting were generally opposed to burying headwater streams whereas some other parties were not.**

Appendix D, "A SURVEY OF THE CONDITION OF STREAMS IN THE PRIMARY REGION OF MOUNTAINTOP MINING/VALLEY FILL COAL MINING" by Jim Green, Maggie Passmore and Hope Childers: **I realize this study was completed before the statistical study of Falk, et al. the Green, et al.. This study supplied much of the data for Falk et al, however, is it possible to summarize some of the additional analyses done by the Cincinnati Lab, and put it in the appendix, or better yet incorporate those findings into the executive summary on pages 1-5 of this report**?

5-5-4

Appendix D, WV Invertebrate Study, page 2, "*We believe these sites scored lower primarily because the* **{extreme}** *drought and lower flows impeded our ability to collect a representative sample.*"Wasn't this a record drought, or nearly so?

Also, same page, "*However, over a third of the time, filled sites scored in the good or very good range over the five seasons.*" **Somewhere in here would be a good place to cite the Falk et al. statistical study as well.**

Also, bottom of same page, "*In general, the filled and filled/residential classes had substantially higher median conductivity than the unmined and mined classes.*" How about:
"In general, the filled and filled/residential classes of streams had 8.8x higher median conductivity than unmined classes."

Appendix D, WV Invertebrate Study, page 3 "*Our analysis of the only complete data set provided by Potesta and Associates (Winter 2000) indicated that the sites in the filled and filled/residential classes were biologically impaired relative to the unmined sites (Green and Passmore 2000). The filled/residential class was the most impaired class.*" **Again, this should be updated with the data of Falk et al. from the Cincinnati Laboratory.**

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Appendix D, WV Invertebrate Study, page 3 "*Dissolved oxygen, pH and temperature can all vary during the day and through the seasons. The grab samples for these parameters may not be representative of long term water quality at these sites and should be treated with some caution. Temperature was fairly comparable within the four classes. Dissolved oxygen, pH and temperature can all vary during the day and through the seasons. The grab samples for these parameters may not be representative of long term water quality at these sites and should be treated with some caution.*" **Yes, temperature does need some additional information. Why not update it from the USGS study that incorporates stream temperature in appendix D?**

Appendix D, WV Invertebrate Study, page 3 "*The Rapid Bioassessment Protocols habitat assessment data did not indicate substantial differences between the stream classes.*" I suggest recasting as follows: **Habitat assessment data did not indicate substantial differences between the stream classes based on method provided in the EPA Rapid Bioassessment Manual.**

Appendix D, WV Stream Chemistry Study, "**A Survey of the Water Quality of Streams in the Primary Region of Mountaintop /Valley Fill Coal Mining**", page 1 "*The data indicate that MTM/VF mining activities increase concentrations of the several parameters in streams. Sites in the category Filled had increased concentrations of the following parameters: sulfate, total calcium, total magnesium, hardness, total dissolved solids, total manganese, dissolved manganese, specific conductance, total selenium, alkalinity, total potassium, acidity, and nitrate/nitrite.*" **To better get the readers attention you need to at least give median ratios (filled/unmined) for each of the chemicals in the summary....many people may not read more than the summary.**

Appendix D, WV Stream Chemistry Study, page 2, bottom of page, somewhere in this section as well as in some of the USGS studies relating to increase stream flows below valley fills, **it needs to be mentioned that combined with higher concentrations of certain chemicals this is going to increase the downstream loading.**

Appendix D, WV Stream Chemistry Study, page 8, under Mining Permit Monitoring "*It was agreed that the list of parameters being monitored for permits would be expanded to include the parameters being monitored in this study.*" **Provide information on what was being required before? For example was selenium and conductivity being required?**

Appendix D, WV Stream Chemistry Study, page 9 –23, **it is important to document the QA/QC in this report, but it tends to break the readers entire train of thought where it is located. Just a scant sketch up front to acquaint the reader with what's coming in the results. Is it possible to move much of this to the appendix so the reader has access to it?**

5-5-4

Appendix D, WV Stream Chemistry Study, pages 9-23, in lieu of all of the problems with field crews seems as if the USEPA should do additional sampling themselves rather than relying on the WVDEP?

Appendix D, WV Stream Chemistry Study, page 24, "*The ratio of Mined to Unmined was used to prioritize the discussion and evaluation of the data from all categories of sites. Only data from the second laboratory was used in this comparison since there were data quality differences between the two laboratories.*" **Can you give some idea of how many dates you are talking about for each laboratory here?**

Appendix D, WV Stream Chemistry Study, page 27, second paragraph, there is no yellow diamond symbol on my black and white copy!

Appendix D, WV Stream Chemistry Study, **pages 27 and throughout the remaining document where results of data for the various chemical parameters are discussed. The biggest problem with the stream chemistry study as those data now stand is that it is in need of some severe data reduction and additional analyses. One simple starting point is to boil all those graphs such as Figure SO_4-1 into some more usable format for the reader. A simple starting point would be as follows: 1) provide the means for each of the classes of sites, i.e., filled, mined, unmined, filled-residential, etc. across all dates, with their standard deviations (or standard errors w/number of samples), and simple 95% confidence limits for each of the classes of sites. As it is presented, all of these graphs are simply too busy and non-overlapping 95% Confidence intervals are one of the simplest means of viewing such data. If it turns out that the means are highly correlated with the standard deviations then some log transformation may be required for such analyses. There are other methods of a quick visual representation as well, but it loses information, that would be to assign each type (Class of site) a number, i.e. filled = 3, mined =2, unmined = 1, etc, etc (with those values with highest numbers given the highest numbers) and see how the numbers would cloud around a simple regression versus concentration.....it's somewhat "offbeat" but it may show something more distinct than the cluttered graphs presently used.**

5-5-4

Appendix D, WV Stream Chemistry Study, page 30, and throughout following pages where comparison of Duplicate Samples are made. I generally like these graphs as they are very visual; however, couldn't you also provide a different symbol, i.e.

filled, mined, unmined, filled-residential, etc. for where these duplicates were taken? For example, on Figure SO_4-2 wouldn't you expect the Filled sites to cluster in the upper right and unmined sites on the lower left?

Appendix D, WV Stream Chemistry Study, page 31 and earlier on calculations of yield, I would probably urge a little more caution on these yield measurements because stream chemistry can change drastically during storms (see this reference) Golladay, S. W., J. R. Webster, E. F. Benfield, and Swank W. T.1992. Changes in stream stability following forest clearing as indicated by storm nutrient budgets. Archiv fur Hydrobiologie 90: 1-33. Since no continuous integrated flow measurements or automatic sampling techniques are used, these could be significant underestimates for certain chemicals and overestimates for others. If you are going to use these then I would also suggest doing the results for yield with means and 95% Confidence Intervals as discussed above (with appropriate caution).

Appendix D, WV Stream Chemistry Study, Calcium – ditto results discussed above for Sulfate graphics for Calcium as well, and hardness, total dissolved solids, manganese, and throughout remainder of the report.

Appendix D, WV Stream Chemistry Study, page 62, shouldn't a preashed glass fiber filter have been used for all dissolved and total organic carbon analyses?

5-5-4

Appendix D, WV Stream Chemistry Study, page 74, "*Disturbing coal and soils during MTM/VF mining could be* **(far too weak should read are expected)** *expected to result in violations of the stream limit for selenium."* **Also see my above pages about selenium and even WV information on selenium.**

Appendix D, WV Stream Chemistry Study, page 76 bottom of page you need to emphasize that small amounts of Selenium can bioaccumulate in food chains and end up in fish and wildlife.

Appendix D, WV Stream Chemistry Study, page 76 to 83, **These concentrations of Selenium in stream water are very disturbing. Are people being adequately warned about the potential consequences of eating fish from downstream areas?**

Appendix D, WV Stream Chemistry Study, page 86, " *The report indicates 85.base flows of streams with valley fills are 6 to 7 times greater than the base flows of unmined areas."* **Again, somewhere in this chemistry section an additional paragraph needs to be written pointing out that greater flows from valley fills are going to serve to increase downstream chemical loading compared to reference reaches.**

Appendix D, "An evaluation of the Aquatic Habitats Provided by Sediment Control Ponds and other Aquatic Enhancement Structures....." Conducted for Pen Coal

6-4-4

by R.E.I. Consultants – I have no problem with the inclusion of this study in the EIS, but why was the important study by these same consultants "Benthic Macroinvertebrate and Fisheries Study of Stations on Trough Fork and Big Laurel Creek" not included in the final report? Furthermore, this study seems to be missing from my copy of the CD Rom, however my comments under the abbreviation REI-Habitats are as follows:

Page 1, REI-Habitats, the wetlands really represent somewhat exotic habitats to the region, don't they?

Page 4, and Table 1A. REI-Habitats - on Physical and Chemical parameters – Well, Selenium is listed as below (<0.003 mg/l), if we assume that it is averages only 0.0015 mg/l = 15 µg/L, this still exceeds EPA safe drinking water levels by several fold (I will come back to this point later).

Page 4, and Table 1A. REI-Habitats- Benthic Macroinvertebrates, if you want to use the EPA Hilsenhoff index, ok, but when you apply this to a lentic situation there is little assurance that it is applicable. Also, page 4, rather than telling us the brand name (Unitron) of the microscope – could you just state what type (I assume a stereo?).

Page 6, and Table 1A. REI-Habitats- Benthic Macroinvertebrates, **is this really St. John's Wort. Scientific Name: Hypericum perforatum L. Family: Hypericaceae. Common Names: John's wort, klamath weed, goatweed, rosin rose ? This is a serious exotic pest, i.e., known as Klamath Weed in Oregon (an exotic from Scandinavia) , where it has taken over extensive areas of the Klamath Valley. Surely, this is not being planted on the valley fill sites?**

6-4-4

Page 6, and Table 1A. REI-Habitats-surely the levels of Selenium, even if we take half of the <0.003 mg/l, Selenium is in great excess at these sites?

Page 13, REI-Habitats, **well if you really want to apply the Hilsenhoff Biotic Index to ponds, ok, but that is not the purpose for which it was developed. You should also give the scale where biotic indices >6.0 (Tables 3A and 3B) fall out according to the Hilsenhoff index, as I recall fairly poor to fair?**

REI-Habitats, page 20, **surely algae in these pond has some role in overall productivity and not just detritus?**

REI-Habitats, page 20, long paragraph at top of page – **surely you want to say something about selenium concentrations and potential for downstream impact?**

REI-Habitats, page 21, top of page, first line – change refuge places to "refugia"

REI-Habitats, page 13, **would you really expect Plecoptera in ponds? And, how many EPT taxa would you expect in ponds versus streams?**

REI-Habitats, pages 15-17, and Table 2A, 2 b, etc. **If you are going to use the Hilsenhoff Biotic Index you should state in here somewhere that the scores range from fairly poor to fair.**

REI-Habitats, **I also have some questions about some of the identifications in the Tables 5 – 9. Are you sure that the "Rhyacophila" aren't really Polycentropus? Polycentropus are found in a variety of habitats ranging from streams to ponds; however, Rhyacophila are always associated with fast-flowing streams and rivers. It's fairly easy to misidentify these two genera in early instars. Also Amphizoidae beetles are found only in the west and Pacific Northwest, so they must be something else?.**

REI-Habitats, page 20, top paragraph, surely algae supplies a significant proportion of the food base in the ponds and ditches as well as detritus doesn't it?

REI-Habitats, page 21 –23, **before I would get too excited about the potential food webs and environmental resources of these ponds, i.e., 13 to 10 lines up from bottom of page 21, you need to consider the selenium concentrations as potentially creating some bioaccumulation problems (see selenium above as well). If it is expressing bioaccumulation, what might happen to humans and/or other animals that may be depending on the pond for food and water supply? I know it was not part of your contract, but have other animals that might be using these ponds for food resources been checked for selenium concentrations?**

6-4-4

REI-Habitats, pages 23 and 24, **I agree with your statements that the COE and other agencies need to reconsider the question of pond removal following completion of mining. They may also serve to moderate stream temperature regimes that are more favorable to downstream fauna.**

Question on another Study By R.E.I. "A History of the Benthic Macroinvertebrate and Water Chemistry Studies of two Long-term Monitoring Stations on Through Fork" Conducted for Pen Coal by R.E.I. Consultants, report dated 20 June 2000. This study seems to be missing from the draft EIS and I think it should be included here.

This was an interesting and valuable long-term study of macroinvertebrate data on Through Fork Creek as impacted by mining activities upstream. In fact, it was the only long-term study that I remember seeing associated with this EIS. I think it should be included along with the bar graph Figure showing the multiyear shifts

IV.D-1. **Again, page is replete with inaccurate and evasive wording, examples include: "...for a number of years to come, the forest ecosystem....", meaning = centuries; "may impact aquatic resources" ...they do impact aquatic resources see EPA statistical study; "may result in downstream impacts", accurate translation = They do result in downstream impacts.**

6-4-4

IV.D-2, first paragraph "*These impacts do not reflect any natural succession or reforestation efforts, that have occurred and will occur*".**{Insert at end of this sentence the following: ", which to date have been an insignificant portion of the deforested landscapes."} Otherwise, you are lying by implying something that does not exist. See also comments of the former WV State Forester, above.**

IV.D-3, "*Although data are lacking on the magnitude of mining impacts compared to other alterations in land use, such as forestry, the MTM/VF impacts to complex population dynamics in headwater stream systems requires additional study to detail the impacts to this system in the study area.*" **What kind of statement is this? Most of the streams are gone for eternity when buried? We know that formerly logged catchments can at least recover with time. We know there are significant downstream effects as well.**

7-6-4

IV.D-3, "*Direct filling of streams may reduce the numbers of individuals of rare and endemic species, thereby reducing its genetic diversity possibly to the point of extinct.*" **May reduce? Also, don't you mean extinction? Other evasive words at bottom of page "may reduce" (it does reduce).**
IV.D-3, "However, determinations of this type of impact is highly site-specific and, as such, are beyond the ability of this document to evaluate. Identification of these endemic populations, and as appropriate, protection measures, would be developed on a case-by-case basis as MTM/VF proposals are submitted." **{Exactly, what does this mean? You are not requiring any specific inventories, so how do you know you have an endemic populations? Your "*case by case basis*" comes across to the reader as "unlikely event"}**

IV.D-4, (Burton and Likens 1975) not Burton and Lykens and last paragraph, "*Biotic communities have been demonstrated to occur in the uppermost reaches of watersheds, even in ephemeral stream zones which flow only as a result of rain or snow melt.*" **Are you referring to the Headwater stream study of Stoud et al. in Appendix D? If so, these zones are not ephemeral, in fact, by WV state standards they would not even be intermittent – they obviously have long-term water as evidenced by the fact that many taxa had multi-year life cycles as immature (aquatic stages). The point is that these streams do not appear as permanent streams on USGS topographic maps,**

9-3-4

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9-3-4

9-3-5

Appendix I, Cumulative Impact Studies, page 74, "*The combination of the direct fill impacts which decrease nutrient cycling and indirect impacts through impairment of the aquatic community downstream from fills may result in a substantial impact to the nutrient cycling function in headwater streams. This impact has proven difficult to study directly. There is ongoing debate among regulators and scientists on the best way to collect quantitative evidence for the possible occurrence and the severity of the potential impact to nutrient cycling functions of headwater streams.*" **{What? How about examining the chemical data below fills compared to reference sites as a start! For example: the ratio of only median concentrations in streams draining filled/unfilled sites: sulfate = 41.7x, calcium = 21.3x, magnesium = 21.2x, hardness = 21.2x, total dissolved solids = 16.8x, Manganese = 8.8x, conductivity 8.8x, selenium = 7.8x, etc., etc. (See Table 6, page 25 in Chemical Studies in Appendix D).}**

Appendix I, Cumulative Impact Studies, page 74, "*Other activities, such as logging, also pose potential threats to the nutrient cycling function of headwater streams in the study area. However, the permanent nature of filling compared to the more temporary and possibly more manageable impacts from forestry, would suggest* **(evasive wording)** *that MTM/VF impacts of to the nutrient cycling function of headwater stream systems constitute one of the most major threats to this system in the study area.*" **{Well, this sure does state the obvious. The streams are buried, lost for eternity, gone, done, finished, kaput, etc., etc! The effects of logging don't even approach this, i.e. see the following reference for some fairly long-term logging effects on benthic invertebrates as well as to obtain other references on logging effects:**
Stone, M. K., and J. B. Wallace. 1998. Long-term recovery of a mountain stream from clear-cut logging: the effects of forest succession on benthic invertebrate community structure. Freshwater Biology 39: 141-169}

Appendix I, Cumulative Impact Studies, page 75, "*In contrast, wetlands are among the most effective ecosystems for removing pollutants and purifying wastes.*" **{I think you are trying to imply in contrast to streams. Another misinterpretation of facts - we don't tend to put as much such sewage into wetlands as we do streams do we? Unless very overloaded, streams are very efficient processors of nutrients and organic matter!}**

Appendix I, Cumulative Impact Studies, page 76, top paragraph, "*Biotic communities have been demonstrated to occur in the uppermost reaches of watersheds, even in "ephemeral " stream zones which flow only as a result of rain or snow melt.*" **{You are implying that these headwater streams are generally ephemeral, no, they are not even intermittent, because some are permanent as evidenced by the headwater stream study (Appendix D, Stout, et al.) because many of the taxa present have multi-year life cycles (i.e., they require water throughout a multi-year period) and would not**